

PENNSYLVANIA BULLETIN

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Department of Banking
Department of Community and Economic
Development
Department of Education
Department of Environmental Protection
Department of General Services
Department of Revenue
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Environmental Hearing Board
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Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Pennsylvania Public Utility Commission
State Ethics Commission
Turnpike Commission

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

No. 298, September 1999

PENNSYLVANIA



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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 400, 1000, 1300, 1910, 2300, 2950, 2970 AND 3000]

Amendment of Rules Governing Service of Original Process and Other Legal Papers; No. 316 Civil Procedural Rules Doc. No. 5

Order

Per Curiam:

And Now, this 30th day of August, 1999, the effective date of the Order entered in the above matter on June 14, 1999, is hereby suspended until further Order of this Court.

[Pa.B. Doc. No. 99-1567. Filed for public inspection September 17, 1999, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 50]

Waiver of Stays of Execution of Sentence in Summary Cases

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule of Criminal Procedure 86 (Appeals), and approve the revision of the Comment to Rule 83 (Trial in Summary Cases). These changes establish a procedure for the waiver of the stay of execution of sentence in summary cases by a defendant who is represented by counsel, or who has waived counsel. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed rule changes precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, no later than Monday, September 20, 1999.

By the Criminal Procedural Rules Committee

J. MICHAEL EAKIN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

PART VI. GENERAL PROCEDURES IN SUMMARY CASES

Rule 83. Trial in Summary Cases.

* * * * *

Official Note: Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998[.]; **Comment revised 1999, effective _____, 1999.**

Comment

* * * * *

When a defendant has waived the stay of the sentence of imprisonment pursuant to Rule 86(B), the issuing authority may fix the commencement date of the sentence to be the date of conviction, rather than after the 30-day stay period has expired. The defendant, of course, would still be able to pursue an appeal under Rule 86.

For the statutory authority to sentence a defendant to pay a fine, see 42 Pa.C.S. § 9726.

* * * * *

Committee Explanatory Reports:

* * * * *

Report explaining the proposed Comment revision concerning waiver of stay of execution of sentence in summary cases published at 29 Pa.B. 4860 (September 18, 1999).

Rule 86. Appeals.

* * * * *

(B) Stays.

* * * * *

(3) A defendant who is represented by counsel, or a defendant who has waived counsel as provided in Rule 318, may waive the stay. The waiver must be in writing, signed by the defendant and defendant's counsel, if any, and made a part of the record.

[(3)] (4) ***

* * * * *

Official Note: Adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 25, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998;

amended May 14, 1999, effective July 1, 1999[.]; amended _____ 1999, effective _____, 1999.

Comment

* * * * *

The stay of the sentence of imprisonment in summary cases recognizes the limited length of the terms of imprisonment. However, there may be situations when the defendant would want the sentence to begin to run immediately following the conviction, and forego the benefits of the stay. To accommodate these extraordinary cases, paragraph (B) was amended in 1999 to permit a defendant who is represented by counsel, or who has waived counsel, to waive the stay of the execution of sentence. The waiver of the stay in no way is to be construed as a waiver of the right to appeal.

Under paragraph (B)(2), the stay applies to all "sentences" imposed after conviction, including sentences of imprisonment, fines and costs, or restitution, and sentences of imprisonment for defaults in payment pursuant to Rule 85.

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 1, 1997 amendments to paragraphs (B), (D)(7), and (I) published with the Court's Order at 27 Pa.B. 5414 (October 18, 1997).

* * * * *

Report explaining the proposed amendments to paragraph (B) adding the provision for waiver of stay of execution of sentence published at 29 Pa.B. 4860 (September 18, 1999).

REPORT

Proposed Amendments to Pa.R.Crim.P. 86 (Appeals),

Revision of the Rule 83 Comment

Waiver of Stays of Execution of Sentence in Summary Cases

The Committee is proposing that Rule 86 (Appeals) be amended, and the Comment to Rule 83 (Trial in Summary Cases) be revised, to establish procedures for permitting a defendant, who is represented by counsel or who has waived counsel, to waive the stay of the execution of sentence in a summary case.

The Committee undertook a review of the stay of execution of sentence provisions in Rule 86(B) in response to correspondence from members of the minor judiciary.¹ The correspondents pointed out that there may be situations when a defendant, who has been sentenced to imprisonment, would want to waive the 30-day stay of execution of that sentence in order to start serving the sentence of imprisonment immediately upon conviction. They noted that this situation arises when, for example, a defendant is currently incarcerated on other charges. If the defendant is able to waive the stay, the new sentence could run concurrently with the other sentence. Because the summary cases rules do not permit a waiver of the stay, and because the Administrative Offices of Pennsylvania Courts' District Justice Computer System, in implementing the stay provisions, sets the date for the execu-

¹ The correspondence was forwarded to the Committee from District Justice Fred Pierantoni, Chair of the Minor Court Rules Committee.

tion of sentence to occur after the expiration of the 30-day appeal period, the correspondents requested that the rules be amended to permit a defendant to waive the 30-day stay in Rule 86(B).

The Committee, persuaded by the correspondents' reasoning, agreed that it makes sense to permit the minor judiciary to exercise some discretion in the area of commencement of sentences, and that a waiver provision would give them a certain amount of flexibility. At the same time, the Committee was concerned about possible abuses, such as unwary defendants being pressured into waiving the 30-day stay, so the defendants end up serving their sentences of imprisonment before they have an opportunity to appeal, thereby abrogating the purpose of the stay provisions. The Committee also was concerned that, if the rules permit a waiver of the stay, this might be interpreted as a waiver of the right to appeal. We agreed that any procedure proposed that would permit the waiver of the stay would have to address these issues too.

Accordingly, to provide for a waiver and to address these issues, the Committee has settled on the following proposed changes:

1. Rule 86(B) would be amended by adding a waiver of the stay provision. See paragraph (B)(3). As a means of protecting against abuses, the waiver provision would be limited to those defendants who are represented by counsel, or who have waived counsel pursuant to Rule 318. The Committee feels strongly that the waiver should only be by defendants who are represented, but recognizes the realities of summary case proceedings in which many defendants elect to proceed without counsel, even when there is a likelihood of a sentence of imprisonment. We, therefore, agreed that these pro se defendants should be given the same benefits of a waiver as represented defendants.

2. The amendment would require that the waiver of the stay be in writing, signed by the defendant and defendant's counsel, if any, and made a part of the record. The Committee is proposing this requirement because the minor judiciary courts are courts not of record, and we agreed that it is important to have a written record of all waivers to provide a means to monitor waivers.

3. The Rule 86 Comment would elaborate on the situations when it would be appropriate for a defendant to waive the stay, and would make it clear that the waiver of the stay in no way affects the defendant's right to appeal.

4. The Rule 83 Comment would be revised to alert the minor judiciary to the waiver of stay of execution of sentence provisions in Rule 86, and that they may fix the commencement date of the sentence of imprisonment to be the date of conviction when there is a waiver. The provision also clarifies that the waiver does not preclude the defendant from appealing the conviction.

[Pa.B. Doc. No. 99-1568. Filed for public inspection September 17, 1999, 9:00 a.m.]

[234 PA. CODE CH. 4000]

Order Amending Rule 4002 and Revising the Comment to Rule 4001; No. 253, Criminal Procedural Rules Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the September 3, 1999

amendment to Rule of Criminal Procedure 4002 (Release Criteria), and revision of the Comment to Rule 4001 (Bail Before Verdict). These changes align the Criminal Rules with the 1998 amendment to article I, § 14 of the Pennsylvania Constitution. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this third day of September, 1999, upon the recommendation of the Criminal Procedural Rules Committee, this proposal having been submitted without publication pursuant to Pa.R.J.A. 103 (a)(3), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 4002 is amended, and the Comment to Rule 4001 is revised, all in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 4000. BAIL

PART I. PROCEDURES FOR PRE-VERDICT RELEASE

Rule 4001. Bail Before Verdict.

[(a)] (A) Bail before verdict shall be set in all cases as permitted by law. Whenever bail is refused, the bail authority shall state in writing or on the record the reasons for that determination.

[(b)] (B) A defendant may be admitted to bail on any day and at any time.

Official Note: Former Rule 4001 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4002; amended January 28, 1983, effective July 1, 1983; Comment revised September 23, 1985, effective January 1, 1986; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4001. Present Rule 4001 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; **Comment revised September 3, 1999, effective immediately.**

Comment

This rule carries over the provisions of former Rule 4001 (Bail Before Verdict).

Article I, § 14 of the Pennsylvania Constitution was amended in 1998 to read: "All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it."

For the minor judiciary's authority to set bail, see the Judicial Code, 42 Pa.C.S. §§ 1123(a)(5), 1143(a)(1), and 1515(a)(4).

See *Commonwealth v. Truesdale*, 296 A.2d 829 (Pa. 1972), concerning the bail authority's discretion to refuse bail under paragraph **[(a)] (A)**.

Under paragraph **[(a)] (A)**, whenever the bail authority is a judicial officer in a court not of record, that officer must set forth in writing his or her reasons for refusing bail, and the written reasons must be included with the docket transcript.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the 1999 Comment revision concerning the 1998 constitutional amendment providing for preventive detention published with the Court's Order at 29 Pa.B. 4862 (September 18, 1999).

Rule 4002. Release Criteria.

[(a)] (A) To determine whether to release a defendant, and what conditions, if any, to impose, the bail authority shall consider all available information, **[but only]** as that information is relevant to the defendant's appearance or nonappearance at subsequent proceedings, or compliance or noncompliance with the conditions of the bail bond, including information about:

- (1) the nature of the offense charged and any mitigating or aggravating factors that may bear upon the likelihood of conviction and possible penalty;
- (2) the defendant's employment status and history, and financial condition;
- (3) the nature of the defendant's family relationships;
- (4) the length and nature of the defendant's residence in the community, and any past residences;
- (5) the defendant's age, character, reputation, mental condition, and whether addicted to alcohol or drugs;
- (6) if the defendant has previously been released on bail, whether he or she appeared as required and complied with the conditions of the bail bond;
- (7) whether the defendant has any record of flight to avoid arrest or prosecution, or of escape or attempted escape;
- (8) the defendant's prior criminal record;
- (9) any use of false identification; and
- (10) any other factors relevant to whether the defendant will appear as required and comply with the conditions of the bail bond.

[(b)] (B) The decision of a defendant not to admit culpability or not to assist in an investigation shall not be a reason to impose additional or more restrictive conditions of bail on the defendant.

Official Note: Previous Rule 4002, formerly Rule 4003, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4002 and amended July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and not replaced. Present

Rule 4002 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; **amended September 3, 1999, effective immediately.**

* * * * *

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the 1999 amendment concerning the 1998 constitutional amendment providing for preventive detention and deleting "but only" published with the Court's Order at 29 Pa.B. 4862 (September 18, 1999).

FINAL REPORT¹

Amendment to Pa.R.Crim.P. 4002 (Release Criteria);
Revision of the Comment to Rule 4001 (Bail Before Verdict)

Preventive Detention

On September 3, 1999, upon recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania adopted the amendments to Rule 4002 (Release Criteria), and approved the revision of the Comment to Rule 4001 (Bail Before Verdict). These changes, which are effective immediately, align the Criminal Rules with the 1998 amendment to article I, § 14 of the Pennsylvania Constitution.

The Committee reviewed the new provisions of article I, § 14, and agreed that some changes to Chapter 4000 (Bail) were necessary. We contemplated providing procedures in the Criminal Rules for making bail determinations under the amendment similar to the procedures in the Federal Rules, see Fed. R. Crim. P. 43. The members pointed out, however, that (1) the Pennsylvania Constitutional provisions concerning bail differ from the bail provisions in the 8th amendment to the U. S. Constitution, and (2) since the Pennsylvania constitutional amendment was approved, several individuals are questioning its interpretation. In view of these concerns, we agreed that, until the courts address these questions, the Criminal Rules should be changed only to acknowledge the amendment. Accordingly, the Court amended Rule 4002 by deleting the language "but only" in paragraph (A) to make it clear that in making the determination to release the defendant, the bail authority may consider whether conditions exist that would reasonably assure the safety of any person and the community when the proof is evident or the presumption great. The court also approved a correlative revision of the Rule 4001 Comment that recognizes the 1998 amendment to article I, § 14 of the Pennsylvania Constitution by setting forth the language of the amendment.

[Pa.B. Doc. No. 99-1569. Filed for public inspection September 17, 1999, 9:00 a.m.]

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's Final Reports.

Title 25—LOCAL COURT RULES

DELAWARE COUNTY

Fee Increases; 99-80338

Order

And Now, this 17th day of August, 1999, it is hereby *Ordered and Decreed* as follows:

The cost of all evaluations ordered by the Court is the responsibility of each defendant. These fees are to be assessed to the defendant's cost-sheet. The fees listed below, which have not been increased in 12 years, are to be increased effective October 1, 1999:

Drug and Alcohol Evaluation from \$60.00 to \$75.00

Psychological Evaluation from \$150.00 to \$185.00

Psychological/D & A Evaluation from \$185.00 to \$220.00

Psychiatric Evaluation from \$75.00 to \$150.00

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 99-1570. Filed for public inspection September 17, 1999, 9:00 a.m.]

LANCASTER COUNTY

Pa.R.C.P. No. 400.1(b)(1); Administrative Order; Administrative Docket Book 1, Page 25; Trust Book No. 50; Page 435A

Order

And Now, August 25, 1999, pursuant to Pa. R.C.P. No. 400.1(b)(1), as recently amended by the Supreme Court of Pennsylvania to take effect on September 1, 1999, it is hereby ordered that original process shall be served within Lancaster County:

(1) by the Sheriff or competent adult in actions in equity, in partition, to prevent waste and for declaratory judgment when declaratory relief is the only relief sought and

(2) by the Sheriff in all other actions.

This Order shall remain in effect until an addendum to the Lancaster County Rules of Civil Procedure is adopted to so provide.

By the Court

MICHAEL A. GEORGELIS,
Acting President Judge

Rule No. 400.1(b)(1)

Original process shall be served within Lancaster County: (1) by the Sheriff or a competent adult in actions in equity, in partition, to prevent waste and for declaratory judgment when declaratory relief is the only relief sought and (2) by the Sheriff in all other actions.

[Pa.B. Doc. No. 99-1571. Filed for public inspection September 17, 1999, 9:00 a.m.]

LEHIGH COUNTY

**Adoption of Local Rule of Civil Procedure 400.1,
Person to Make Service; 99-J-14**

Now, this 31st day of August, 1999,

It Is Ordered, that the following Lehigh County Local Rule of Civil Procedure, Person to Make Service, is hereby adopted, to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.
5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

By the Court

JAMES KNOLL GARDNER,
President Judge

Rule 400.1. Person to Make Service.

Except for domestic relations matters as provided in Pa.R.C.P. No. 1930.4, original process shall be served within the Commonwealth

- (a) by the sheriff or competent adult in actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and
- (b) by the sheriff in all other actions.

[Pa.B. Doc. No. 99-1572. Filed for public inspection September 17, 1999, 9:00 a.m.]

LYCOMING COUNTY

Rule of Civil Procedure No. 400.1(b)**Order**

And Now, this 31st day of August, 1999, the Court hereby adopts the following Lycoming County Rule of Civil Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2)

certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee and one (1) copy to the *Lycoming Reporter* for publication in the next issue of the *Lycoming Reporter*.

It is further ordered that the local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

CLINTON W. SMITH,
President Judge

Rule 400.1(b)

Original process shall be served within the Commonwealth

(i) by the sheriff or a competent adult in all actions in equity, in partition, to prevent waste, and for declaratory judgment when declaratory relief is the only relief sought, and

(ii) by the sheriff in all other actions.

[Pa.B. Doc. No. 99-1573. Filed for public inspection September 17, 1999, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that on August 25, 1999 pursuant to Rule 208(f), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Marc Joseph Malfara be placed on Temporary Suspension until further definitive action by this Court, to be effective September 24, 1999. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 99-1574. Filed for public inspection September 17, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 65]

Collision Loss Settlements

The Insurance Department (Department) hereby deletes §§ 65.11—65.14 to read as set forth in Annex A. The Department is publishing this deletion as a final-form rulemaking. The Department's authority is found in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), and the act of June 17, 1998 (P. L. 464, No. 68) (40 P. S. §§ 991.2001—991.2013) (Act 68) (formerly the act of June 5, 1968 (P. L. 140, No. 78)), relating to the cancellation, refusal to renew and refusal to write private passenger automobile insurance policies. The regulations required an insurer to use actual cash value with certain adjustments as the standard for settling collision losses.

Purpose

The purpose of this rulemaking is to delete §§ 65.11—65.14, to eliminate outdated regulations that do not serve any compelling public purpose. The regulations were adopted May 5, 1970, under the authority of former Act 78. Under the standard automobile collision loss insurance policy the insurer contracts to pay the insured the "actual cash value" of the insured's automobile at the time of a total loss by the insured. The regulations reiterate that the standard for settling collision losses is actual cash value and requires insurers to adjust the book value of an automobile on the basis of fair market value plus the State sales tax on the cost of a replacement vehicle. The regulations further define the term actual cash value as the cost of repairing or replacing the damaged property with other property of like kind and quality in the same physical condition, commonly known as replacement cost less depreciation.

After careful review, the Department is deleting the regulations because they are no longer necessary. Collision loss settlements are covered more comprehensively in Chapter 62 (relating to motor vehicle physical damage appraisers) (physical damage appraisers), adopted December 28, 1973. The subject regulations duplicate the requirements in § 62.3, which establishes standards to be used to determine replacement value under the insurance policy provisions covering the total loss of a motor vehicle.

The physical damage appraisers regulations provide better protection for insureds than the subject regulation because they provide more options for determining the value of the vehicle. Examples in determining the vehicle value are the guide source method, the dealer quotation method and the actual cost method. These methods are defined in Chapter 62. In certain situations, insurers are required to offer the higher of the values obtained in settlement.

Comments

Notice of this proposed rulemaking was published at 27 Pa. B. 3061 (June 28, 1997) with a 30-day public comment period. No comments were received during the 30-day public comment period.

Fiscal Impact

The deletion of these regulations will not have any impact on costs associated with the Department, insurance companies, physical damage appraisers, political subdivisions or the public.

Paperwork

The deletion of these regulations imposes no additional paperwork requirements on the Department, insurers, physical damage appraisers or the public.

Persons Regulated

The deletion of these regulations applies to insurance companies and individuals that determine the value of a vehicle or cost of repairs to a damaged vehicle in this Commonwealth.

Contact Person

Questions regarding these regulations should be directed to: Peter Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 18, 1997, the Department submitted a copy of this rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received. A copy of that material is available to the public upon request.

This rulemaking was deemed approved by the House Committee and Senate Committee on August 9, 1999, in accordance with section 5a(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)). IRRC met on August 19, 1999, and approved the regulations in accordance with section 5a(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

Findings

The Insurance Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided for in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Insurance Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 65, are amended by deleting §§ 65.11—65.14 to read as set forth in Annex A.

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

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

(d) The regulations adopted by this order shall take effect upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa. B. 4749 (September 4, 1999).)

Fiscal Note: Fiscal Note 11-151 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE

CHAPTER 65. MISCELLANEOUS PROVISIONS

§§ 65.11—65.14. (Reserved).

[Pa.B. Doc. No. 99-1575. Filed for public inspection September 17, 1999, 9:00 a.m.]

[31 PA. CODE CH. 84a]

Minimum Reserve Standards for Individual and Group Health and Accident Insurance Contracts

The Insurance Department (Department) hereby amends Chapter 84a (relating to minimum reserve standards for individual and group health and accident insurance contracts) to read as set forth in Annex A.

Statutory Authority

The amendments are adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and sections 301.1 and 311.1 of The Insurance Department Act of 1921 (40 P. S. §§ 71.1 and 93) (act).

Comments and Response

Notice of proposed rulemaking was published at 28 Pa.B. 4931 (October 3, 1998) with a 30-day comment period. During the 30-day comment period, comments were received from the Insurance Federation of Pennsylvania, Inc. (IFP). During its regulatory review, the Independent Regulatory Review Commission (IRRC) submitted comments to the Department. The following is a response to those comments.

Both IFP and IRRC questioned the application of the minimum standards for contract reserves to contracts issued prior to October 23, 1993, the effective date of Chapter 84a. The Department notice of July 7, 1994, stated that the minimum standards for contract reserves applied to guaranteed renewable or noncancellable contracts issued prior to October 23, 1993. The proposed changes to Chapter 84a published on October 3, 1998, applied the minimum standards for contract reserves to all contracts issued prior to October 23, 1993, irrespective of the renewability provisions of the contracts. The pro-

posed change was made in response to the passage of the Health Insurance Portability Accountability Act (Pub. L. 104-191, 110 Stat. 1936), better known as HIPAA, that essentially made all medical contracts guaranteed renewable. The IFP and IRRC commented that some contracts, such as disability income, issued prior to October 23, 1993, may be renewable at the option of the company and not subject to the guaranteed renewable requirements of HIPAA. The Department agrees with the IFP and IRRC and has amended § 84a.6(a)(2) (relating to contract reserves) to apply the minimum standards for contract reserves to contracts issued prior to October 23, 1993, which are guaranteed renewable or noncancellable as set forth in the contract or as prescribed under HIPAA.

Because of the amendment of § 84a.6(a), the IFP and IRRC suggested that any increase in reserves required for guaranteed renewable contracts issued prior to October 23, 1993, be phased in over a 3 to 5 year period. Section 84a.6(a)(3) has been included to allow that the additional reserves may be phased in over a 3 year period with 1/3 of the required reserve at December 31, 1999, 2/3 of the required reserve at December 31, 2000, and 100% of the required reserve at December 31, 2001, and after.

Editorial changes, therefore, have been made to § 84a.6(a) by renumbering the original proposed paragraphs (2) and (3) to paragraphs (4) and (5) respectively.

Additionally, the IFP requested a clarification in the preamble that section II of the Appendix is intended to be consistent with, and not a modification of, the interest standard in the NAIC's Minimum Reserve Standards For Individual and Group Health Insurance Contracts Model Regulation. The Department believes that section II of the Appendix clearly sets forth the minimum interest standard and the requested clarification is unnecessary.

The IFP also recommended that the preamble clarify that the reserve requirements of Chapter 84a apply only to domestic companies. Chapter 84a is promulgated under the authority of sections 301.1 and 311.1 of the act. Sections 301.1 and 311.1 of the act do not provide for any distinction between domestic and nondomestic insurers in the application of the requirements. Accordingly, the Department believes the applicability of the chapter to extend to nondomestic insurers. Consequently, the Department did not state in the preamble that the chapter applies only to domestic insurers.

IRRC commented that the proposed rulemaking was in error because the Legislative Reference Bureau (LRB) did not delete existing clauses (A) and (B) of § 84a.6(b)(4)(iii). However, using its editorial privilege, the LRB did insert a new subparagraph (iv) between subparagraphs (iii) and (iii)(A) and (B). This was done in lieu of deleting clauses (A) and (B) under subparagraph (iii) and repeating the same clauses under subparagraph (iv). Accordingly, the Department has taken no further action to modify the proposed rulemaking.

The Department has further considered the grammatical revision made in § 84a.4(b)(ii) (relating to claim reserves) as it appeared in the proposed rulemaking. The Department views the original language as correct and, accordingly, has retained the original language.

Affected Parties

The rulemaking applies to life insurance companies, property and casualty insurance companies and fraternal benefit societies marketing health and accident insurance in this Commonwealth.

*Fiscal Impact**State Government*

There will be no increase in cost to the Department due to the adoption of the modifications to Chapter 84a. As part of its solvency surveillance responsibilities the Department currently reviews the methodology used by an insurance company to calculate health and accident reserves to ensure that the reserves are adequate and comply with the minimum standard requirements. The revisions and clarifications of the minimum standards will not create additional staff time to perform the analysis.

General Public

Since the final rulemaking concerns the solvency requirements applied to insurance companies, the public will benefit from a financially sound insurance industry in the ability of insurers to fulfill their contractual obligations.

Political Subdivisions

The amendments will not impose additional costs on political subdivisions. However, because the rulemaking promotes stability in the insurance industry in this Commonwealth, political subdivisions' tax revenues will benefit as a result of fewer insurance insolvencies. Fewer insolvencies will result in less unemployment and will increase incentives for insurers to market new insurance products in this Commonwealth.

Private Sector

The final rulemaking may have some fiscal impact on insurers. To the extent that reserves for business issued prior to October 23, 1993, do not comply with the minimum standard reserve requirements, an insurance company will need to increase the reserves. The changes to the minimum contract reserves standards that apply specifically to long-term care insurance will not affect current business. These changes apply only to contracts issued after the adoption of final rulemaking. There may be some expense incurred by an insurance company in modifying the reserve calculation system to comply with the amended minimum reserve standards.

Paperwork

The adoption of the final rulemaking will not impose additional paperwork on the Department or the insurance industry. The new requirements of the amendments apply to the reserve calculations but will not result in additional paperwork.

Effectiveness/Sunset Date

This final rulemaking becomes effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

Contact Person

Questions regarding this final-form rulemaking, should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, or e-mail psalvato@ins.state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 23, 1999, the Department submitted a copy of the notice of proposed rulemaking to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted amendments, the

Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

In preparing these final-form regulations, the Department considered all comments received from IRRC, the Committees and the public. These final-form regulations were deemed approved by the House and Senate Committees on August 9, 1999. In accordance with section 5a(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), IRRC met on August 19, 1999, and approved the regulation in accordance with section 5a(e) of the Regulatory Review Act.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Department, 31 Pa. Code Chapter 84a, are amended by amending §§ 84a.1, 84a.3 and Appendix A to read as set forth at 28 Pa.B. 4931 (October 3, 1998) and amending §§ 84a.4 and 84a.6 to read as set forth in Annex A.

(b) The Commissioner shall submit this order, 28 Pa.B. 4931 and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order, 28 Pa.B. 4931 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The amendments adopted by this order shall take effect upon final publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 4749 (September 4, 1999))

Fiscal Note: Fiscal Note 11-190 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 31. INSURANCE****PART IV. LIFE INSURANCE****CHAPTER 84a. MINIMUM RESERVE STANDARDS FOR INDIVIDUAL AND GROUP HEALTH AND ACCIDENT INSURANCE CONTRACTS****§ 84a.4. Claim reserves.**

(a) *General requirements.*

(1) Claim reserves are required for incurred but unpaid claims on health and accident insurance contracts.

(2) Appropriate claim expense reserves are required with respect to the estimated expense of settlement of incurred but unpaid claims.

(3) The reserves for prior valuation years are to be tested for adequacy and reasonableness along the lines of claim runoff schedules in accordance with the statutory financial statement including consideration of residual unpaid liability.

(b) *Minimum standards for claim reserves of disability income benefits.*

(1) The maximum interest rate for claim reserves is specified in Appendix A (relating to specific standards for morbidity, interest and mortality).

(2) Minimum standards with respect to morbidity are those specified in Appendix A; except that, at the option of the insurer:

(i) For claims with a duration from the date of disablement of less than 2 years, reserves may be based on the insurer's experience, if the experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

(ii) For group disability income claims with a duration from date of disablement of more than 2 years but less than 5 years, reserves may, with the approval of the Commissioner, be based upon the insurer's experience for which the insurer maintains underwriting and claim administration control if the experience is considered credible. For an insurer's experience to be considered credible, the insurer shall be able to provide claim termination patterns over no more than 6 years reflecting at least 5,000 claim terminations during the third through fifth claim durations on reasonably similar applicable policy forms. Reserve tables based on credible experience shall be adjusted regularly to maintain reasonable margins. Demonstrations may be required by the Commissioner based on published literature. The request for approval of a plan of modification to the reserve basis shall include the following:

(A) An analysis of the credibility of the experience.

(B) A description of how the insurer's experience is proposed to be used in setting reserves.

(C) A description and quantification of the margins to be included.

(D) A summary of the financial impact that the proposed plan of modification would have had on the insurer's last filed annual statement.

(E) A copy of the approval of the proposed plan of modification by the Commissioner of the state of domicile.

(F) Other information deemed necessary by the Commissioner.

(3) For contracts with an elimination period, the duration of disablement shall be measured, as dating from the time that benefits would have begun to accrue had there been no elimination period.

(c) *Minimum standards for claim reserves of other benefits.*

(1) The maximum interest rate for claim reserves is specified in Appendix A.

(2) Minimum standards with respect to morbidity and other contingencies shall be based on the insurer's experience, if the experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

(d) *Claim reserve methods.* A reasonable actuarial method or combination of methods may be used to estimate claim liabilities. The methods used for estimating liabilities generally may be aggregate methods, or various reserve items may be separately valued. Approximations based on groupings and averages may also be employed. Adequacy of the claim reserves shall be determined in the aggregate.

§ 84a.6. Contract reserves.

(a) *General requirements.*

(1) Contract reserves are required for the following:

(i) The individual and group contracts with which level premiums are used.

(ii) The individual and group contracts with respect to which, due to the gross premium pricing structure at issue, the value of the future benefits at any time exceeds the value of any appropriate future valuation net premiums at that time. This evaluation may be applied on a rating block basis if the total premiums for the block were developed to support the total risk assumed and expected expenses for the block each year, and an actuary certifies the premium development. The actuary should state in the certification submitted to the Department with the reserve valuation data that premiums for the rating block were developed such that each year's premium was intended to cover that year's costs without any prefunding. If the premium is also intended to recover costs for prior years, the actuary shall also disclose the reasons for and magnitude of the recovery. The values specified in this subsection shall be determined on the basis specified in subsection (b).

(2) Contract reserves are not required for individual contracts and group certificates already in force on October 23, 1993, that are not guaranteed renewable or noncancellable as set forth in the contract or certificate or as prescribed under the Health Insurance Portability and Accountability Act (Pub. L. 104-191, 110 Stat. 1936).

(3) If this section requires contract reserves for individual contracts or group certificates already in force on October 23, 1993, for which contract reserves were not held as of December 31, 1998, the additional reserves may be phased in over a 3-year period with 1/3 of the required reserve at December 31, 1999, 2/3 of the required reserves at December 31, 2000, and 100% of the required reserve at December 31, 2001, and after.

(4) The contract reserve is in addition to claim reserves and premium reserves.

(5) The methods and procedures for contract reserves shall be consistent with those for claim reserves for a contract, or else appropriate adjustment shall be made when necessary to assure provision for the aggregate liability. The date of incurrence shall be the same in determining both the contract reserves and the claim reserves.

(b) *Minimum standards for contract reserves.*

(1) *Morbidity or other contingency.*

(i) Minimum standards with respect to morbidity are those in Appendix A (relating to specific standards for morbidity, interest and mortality). Valuation net premiums used under each contract shall have a structure consistent with the gross premium structure at issue of the contract as this relates to advancing age of the insured, contract duration and period for which gross premiums have been calculated.

(ii) Contracts for which tabular morbidity standards are not specified in Appendix A shall be valued using tables established for reserve purposes by a qualified actuary and acceptable to the Commissioner. The morbidity tables shall contain a pattern of incurred claim costs that reflect the underlying morbidity and may not be constructed for the primary purpose of minimizing reserves.

(iii) If a morbidity standard specified in Appendix A is on an aggregate basis, the morbidity standard may be adjusted to a select and ultimate basis to reflect the effect of insurer underwriting by policy duration. The adjustments shall be appropriate to the underwriting and be acceptable to the Commissioner.

(2) *Maximum interest rate.* The maximum interest rate is specified in Appendix A.

(3) *Termination rates.*

(i) Termination rates used in the computation of reserves shall be on the basis of a mortality table as specified in Appendix A except as noted in subparagraphs (ii) and (iii).

(ii) Total termination rates may be used at ages and durations when these exceed specified mortality table rates, but not in excess of the lesser of 80% of the total termination rate used in the calculation of the gross premiums or 8%.

(iii) For long-term care individual contracts and group certificates issued on and after January 1, 1999, termination rates in addition to the specified mortality table rates may be used. The termination rates other than mortality may not exceed the following:

(A) For policy years 1 through 4, the lesser of 80% of the voluntary lapse rate used in the calculation of gross premiums and 8%.

(B) For policy years 5 and later, the lesser of 100% of the voluntary lapse rate used in the calculation of gross premiums and 4%.

(4) Reserve method.

(i) For health and accident insurance except long-term care and return of premium or other deferred cash benefits, the minimum reserve is the reserve calculated on the 2-year full preliminary term method; that is, under which the terminal reserve is zero at the first and also the second contract anniversary.

(ii) For long-term care insurance, the minimum reserve is the reserve calculated as follows:

(A) For individual contracts and group certificates issued before October 23, 1993, reserves calculated on the 2-year preliminary term method.

(B) For individual contracts and group certificates issued on or after October 23, 1993, reserves calculated on the 1-year preliminary term method.

(iii) For return of premium or other deferred cash benefits in individual contracts and group certificates issued prior to October 23, 1993, the minimum reserve is the reserve calculated on the 2-year preliminary term method.

(iv) For return of premium or other deferred cash benefits in individual contracts and group certificates issued on or after October 23, 1993, the minimum reserve is the reserve calculated as follows:

(A) On the 1-year preliminary term method if the benefits are provided at any time before the twentieth anniversary.

(B) On the 2-year preliminary term method if the benefits are only provided on or after the twentieth anniversary. Under the Insurance Department (Department) guidelines for the review of return of premium option, the return of premium benefit shall be available beginning by the tenth anniversary. The reference to benefits provided on or after the twentieth anniversary does not modify the referenced Department guideline as it pertains to form approval. This reference to a minimum reserve standard for benefits beginning on or after the twentieth anniversary is necessary only as it pertains to forms that are sold in other states.

(v) The preliminary term method may be applied only in relation to the date of issue of a contract. Reserve adjustments introduced later, as a result of rate increases, revisions in assumptions—for example, projected inflation rates—or for other reasons, shall be applied immediately as of the effective date of adoption of the adjusted basis.

(5) *Negative reserves.* Negative reserves on a benefit may be offset against positive reserves for other benefits in the same contract, but the total contract reserve with respect to benefits combined may not be less than zero.

(6) *Nonforfeiture benefits.* The contract reserve on a policy basis may not be less than the net single premium for the nonforfeiture benefits at the appropriate policy duration, where the net single premium is computed according to the specifications listed in this section.

(c) *Alternative valuation methods and assumptions.* If the contract reserve on contracts to which an alternative basis is applied is not less in the aggregate than the amount determined according to the standards of subsection (b)(1)—(3), an insurer may use reasonable assumptions as to interest rates, termination or mortality rates, or both, and rates of morbidity or other contingency. Also, subject to the preceding condition, the insurer may employ methods other than the methods stated in subsection (b)(4) in determining a sound value of its liabilities under the contracts, including the following:

(1) The net level premium method.

(2) The 1-year full preliminary term method.

(3) Prospective valuation on the basis of actual gross premiums with reasonable allowance for future expenses.

(4) The use of approximations such as those involving age groupings, groupings of several years of issue, average amounts of indemnity and grouping of similar contract forms.

(5) The computation of the reserve for one contract benefit as a percentage of, or by other relation to the aggregate contract reserves exclusive of the benefit so valued.

(6) The use of a composite annual claim cost for all or a combination of the benefits included in the contracts valued.

(d) *Tests for adequacy and reasonableness of contract reserves.*

(1) Annually, an appropriate review shall be made of the insurer's prospective contract liabilities on contracts valued by tabular reserves to determine the continuing adequacy and reasonableness of the tabular reserves giving consideration to future gross premiums. The insurer shall make appropriate increments to the tabular reserves if the tests indicate that the basis of the reserves is no longer adequate, subject to the minimum standards of subsection (b).

(2) If a company has a contract or a group of related similar contracts, for which future gross premiums will be restricted so that the future gross premiums reduced by expenses for administration, commissions and taxes will be insufficient to cover future claims, the company shall establish contract reserves for the shortfall in the aggregate.

[Pa.B. Doc. No. 99-1576. Filed for public inspection September 17, 1999, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 75]

Endangered, Threatened and Candidate Species

The Fish and Boat Commission (Commission) by this order amends Chapter 75 (relating to endangered species). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to fish and fishing.

A. *Effective Date*

These amendments will go into effect upon publication of an order adopting the regulations.

B. *Contact Person*

For further information on the changes, contact Andrew L. Shiels, Nongame and Endangered Species Unit, (814) 359-5113, 450 Robinson Lane, Bellefonte, PA 16823, or Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The amendments are published under the statutory authority of sections 2102 and 2305 of the code (relating to rules and regulations; and threatened and endangered species).

D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations pertaining to endangered, threatened and candidate fish species. The specific purpose of the amendments is described in more detail under the summary of changes. This final rulemaking combines amendments that were contained in two separate notices of proposed rulemaking published at 28 Pa.B. 3591 (August 1, 1998) and 29 Pa.B. 1087 (February 27, 1999).

E. *Summary of Changes*

(1) *Section 61.2 (relating to Delaware River and River Estuary)*. The Commission, by separate order, previously adopted changes to this section. That order appears at 29 Pa.B. 819 (February 13, 1999).

(2) *Sections 75.1, 75.2 and 75.3 (relating to endangered species; threatened species; and candidate species)*. The Commission maintains a list of fishes, reptiles, amphibians and aquatic organisms that have declined in distribution and abundance to levels resulting in a determination that these species are endangered, threatened or candidate species in this Commonwealth. These lists have been developed over the years with the help and judgment of recognized experts on Pennsylvania species, such

as the Fishes Advisory Committee (Committee). This staff/outside expert committee makes recommendations to the Commission staff, and ultimately, the Commissioners, regarding species lists.

A multiyear cooperative study involving staff and faculty from The Pennsylvania State University and the Commission by means of funding from the Wild Resource Conservation Fund has resulted in a method of objectively classifying fish species as to their distribution and abundance within this Commonwealth. The number of locations where a species has been found is combined with the number of individuals of that species found at each location to develop a standardized method of ranking the level of endangerment for all species of fish known to occur in this Commonwealth. This work combines the more than 11,000 fish records from the Commission's fisheries management database with those of retired Penn State professor Dr. Edwin Cooper, the Penn State Fish Museum, University of Michigan Museum of Zoology, Cornell University, National Museum of Natural History, Environmental Protection Agency and the Academy of Natural Sciences in Philadelphia. All records were entered into a computer database and converted to Geographic Information System (GIS) data coverages. A ranking system was created to determine the relative rarity of each species of fish found in this Commonwealth.

The results indicated that changes to the endangered, threatened and candidate lists were necessary and appropriate. At that time, 46 fish species were listed. A notice of proposed rulemaking, containing changes to the list, was published at 28 Pa. B. 3591. In the notice of proposed rulemaking (Regulation No. 48A-82), the Commission proposed to amend the list to include 33 fish species as endangered, 16 as threatened and 12 as candidate for a total of 61 fish species. Four species were taken off the then current list either because they were more common than previously believed or because they are believed to be extirpated.

After the notice of proposed rulemaking was published, the Committee met and further redefined the list due to additional species location information received. As the result of the additional input from the Committee and consistent with the recommendations of the Commission's staff, the Commission approved the publication of a separate notice of proposed rulemaking. A second notice of proposed rulemaking (Regulation No. 48A-93), containing changes for which public input was sought, was published at 29 Pa.B. 1087. Specifically, the bridled shiner (*Notropis bifrenatus*) was listed at that time as a candidate species in § 75.3(b), and this species kept this status in the first proposed rulemaking. Based on additional information, however, the Commission, in the second notice of proposed rulemaking, sought public comment to list this fish as an endangered species under § 75.1(b). The longhead darter was listed at that time as an endangered species (§ 75.1(b)). The first notice of proposed rulemaking proposed to move this species to the candidate list (§ 75.3(b)). The second proposed rulemaking sought public comment on including this fish on the threatened species list (§ 75.2(b)). Finally, the second proposed rulemaking dealt with the Potomac sculpin that was listed as candidate species on both the then existing list and the list contained in the first notice of proposed rulemaking. Based on additional information, the Commission proposed to remove that species from the candidate list because the species no longer warrants listing.

On final rulemaking, the Commission adopted the amendments to read as set forth at Annex A. The final

list of endangered, threatened and candidate species of fish encompasses 34% of the 159 species of fish native to this Commonwealth.

F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The amendments will have no adverse fiscal impact on this Commonwealth or its political subdivisions. The amendments will impose no new direct costs on the private sector or the general public. It is noted that the direct regulatory significance of designation of a species of fish as an endangered or threatened fish is limited to prohibiting persons from taking, catching, killing or possessing these fish in this Commonwealth. Since none of the species listed have any commercial or recreational significance because of their rarity, there are no direct fiscal impacts from providing these protections.

The private sector and regulated community have asserted that designation of certain fish as endangered or threatened may have indirect fiscal impacts on them because of impacts on permitting decisions by the Department of Environmental Protection (DEP) and other agencies. If an endangered or threatened species is found in an area slated for development, applicants for permits may be required to conduct additional studies or adjust the project to avoid adverse impacts on these fish and their habitat. These are fiscal impacts resulting from regulatory and statutory authorities other than those under the aegis of the Commission. As part of the extensive public input process in connection with these proposed rulemakings, DEP was asked to assess some of these indirect impacts on programs and permitting under its jurisdiction. It opined that the proposed changes to the lists of endangered, threatened and candidate species of fish would have "little or no" impacts on the regulated community or DEP. Many of the additions to the list are found in the same watersheds as species already listed so there would be little additional burden placed on projects in those areas.

H. Public Involvement

The first notice of proposed rulemaking was published at 28 Pa.B. 3591. A second notice of proposed rulemaking was published at 29 Pa.B. 1087. Since the publication of the first notice of proposed rulemaking in August 1998, the Commission has extended the public comment period several times. The final deadline for the submission of public comments was March 31, 1999. During the public comment period, the Commission received a total of 280 comments. Among those comments were 56 electronic mail transmissions and two petitions, one containing 86 names and the other containing 76 names. Of the 280 comments, 254 were in favor of the proposed changes to the lists; 10 were opposed; 2 requested additional information and 14 requested that the public comment period be extended. There were also several letters from members of the General Assembly. Most of those letters asked the Commission to extend the public comment deadline. As a result of those requests, the Commission extended the public comment several times. Copies of all public comments were provided to the Commissioners.

In addition, the Commission held two public meetings/hearings on the proposed amendments. On October 30, 1998, the Commission held a public meeting/hearing at DEP's Regional Headquarters on Elmerton Avenue in Harrisburg. Five individuals testified. The Commission also held a public meeting/hearing in the Meadville area

on March 29, 1999. Eighteen individuals provided comments. The Senate Game and Fisheries Committee held a hearing on March 9, 1999. Copies of the transcripts from both public meetings/hearings and the Senate hearing were provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and all comments received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 75, are amended by amending §§ 75.1—75.3 to read as set forth at Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

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

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-82 and 48A-93. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.1. Endangered species.

* * * * *

(b) *Fish*. The following species are endangered:

- (1) Northern brook lamprey, *Ichthyomyzon fossor*.
- (2) Shortnose sturgeon, *Acipenser brevirostrum*.
- (3) Lake sturgeon, *Acipenser fulvescens*.
- (4) Atlantic sturgeon, *Acipenser oxyrinchus*.
- (5) Spotted gar, *Lepisosteus oculatus*.
- (6) Hickory shad, *Alosa mediocris*.
- (7) Cisco, *Coregonus artedi*.
- (8) Silver chub, *Macrhybopsis storeriana*.
- (9) Gravel chub, *Erimystax x-punctatus*.
- (10) Bridle shiner, *Notropis bifrenatus*.
- (11) River shiner, *Notropis blennioides*.
- (12) Ghost shiner, *Notropis buchanani*.

- (13) Ironcolor shiner, *Notropis chalybaeus*.
- (14) Blackchin shiner, *Notropis heterodon*.
- (15) Redfin shiner, *Lythrurus umbratilis*.
- (16) Longnose sucker, *Catostomus catostomus*.
- (17) Bigmouth buffalo, *Ictiobus cyprinellus*.
- (18) Black bullhead, *Amerius melas*.
- (19) Mountain madtom, *Noturus eleutherus*.
- (20) Tadpole madtom, *Noturus gyrinus*.
- (21) Northern madtom, *Noturus stigmosus*.
- (22) Burbot, *Lota lota* (inland populations only).
- (23) Threespine stickleback, *Gasterosteus aculeatus*.
- (24) Banded sunfish, *Enneacanthus obesus*.
- (25) Warmouth, *Lepomis gulosus*.
- (26) Longear sunfish, *Lepomis megalotis*.
- (27) Iowa darter, *Etheostoma exile*.
- (28) Eastern sand darter, *Etheostoma pellucida*.
- (29) Northern riffleshell mussel, *Epioblasma torulosa rangiana*.
- (30) Clubshell mussel, *Pleurobema clava*.

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§ 75.2. Threatened species.

* * * * *

- (b) *Fish.* The following species are threatened:
 - (1) Mountain brook lamprey, *Ichthyomyzon greeleyi*.
 - (2) Skipjack herring, *Alosa chrysochloris*.
 - (3) Goldeye, *Hiodon alosoides*.
 - (4) Mooneye, *Hiodon tergisus*.
 - (5) Bigmouth shiner, *Notropis dorsalis*.

- (6) Southern redbelly dace, *Phoxinus erythrogaster*.
- (7) Smallmouth buffalo, *Ictiobus bubalus*.
- (8) Spotted sucker, *Minytrema melanops*.
- (9) Brindled madtom, *Noturus miurus*.
- (10) Bluebreast darter, *Etheostoma camurum*.
- (11) Spotted darter, *Etheostoma maculatum*.
- (12) Tippecanoe darter, *Etheostoma tippecanoe*.
- (13) Channel darter, *Percina copelandi*.
- (14) Gilt darter, *Percina evides*.
- (15) Longhead darter, *Percina macrocephala*.

* * * * *

§ 75.3. Candidate species.

* * * * *

- (b) *Fishes.*
 - (1) Ohio lamprey, *Ichthyomyzon bdellium*.
 - (2) Least brook lamprey, *Lampetra aepyptera*.
 - (3) American brook lamprey, *Lampetra appendix*.
 - (4) Longnose gar, *Lepisosteus osseus*.
 - (5) Bowfin, *Amia calva*.
 - (6) Central mudminnow, *Umbra limi*.
 - (7) Eastern mudminnow, *Umbra pygmaea*.
 - (8) Hornyhead chub, *Nocomis biguttatus*.
 - (9) River redhorse, *Moxostoma carinatum*.
 - (10) Brook silverside, *Labidesthes sicculus*.
 - (11) Brook stickleback, *Culaea inconstans*.

* * * * *

[Pa.B. Doc. No. 99-1577. Filed for public inspection September 17, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CHS. 16, 92, 93, 95, 96 AND 97] Regulatory Basics Initiative (RBI) Amendments and Water Quality Standards

The Department of Environmental Protection (Department) is soliciting comments on changes it recommends be made to the proposed regulations relating to the Regulatory Basics Initiative (RBI) amendments to National Pollutant Discharge Elimination System, water quality standards, water quality standards implementation and industrial wastes. The draft final regulations were developed based on comments and other information received during the public comment period on the proposed amendments to Chapters 92, 93, 95 and 97 and proposed creation of Chapter 96, which were published as proposed rulemaking at 28 Pa.B. 4431 (August 29, 1998). In addition, the Department is seeking comments on the draft final amendments to Chapter 16, the Water Quality Toxics Management Strategy—Statement of Policy. Proposed changes to Chapter 16 were noticed at 28 Pa.B. 4289 (August 29, 1998) and available for public comment at the same time. The statement of policy contains water quality criteria for toxic substances and other information closely related to the regulations.

A. Contact Persons and Submitting Comments

Copies of the draft final regulations and statement of policy are available from the Bureau of Watershed Conservation at (717) 787-9637. Persons with a disability may use the AT & T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. The draft final regulations are also available electronically through the DEP Web site (<http://www.dep.state.pa.us>), choose: "Public Participation Center."

Written comments should be addressed to Carol Young, Division of Assessment and Standards, Bureau of Watershed Conservation, 10th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-9637. Comments may also be transmitted electronically to Young.Carol@dep.state.pa.us. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be resubmitted to ensure receipt. Comments must be received by November 17, 1999. A subject heading of the proposal and a return name and address must be included in each letter or transmission. Comments will not be accepted by facsimile or voice mail.

B. Public Meetings/ Hearings

The Department will hold three informational meetings/public hearings for the purpose of discussing the regulations and statement of policy and accepting oral testimony at the following locations at 6:30 p.m.:

October 4, 1999
Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

October 5, 1999
Department of Environmental Protection
Southcentral Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110

October 7, 1999
Department of Environmental Protection
Southeast Regional Office
Lee Park
555 North Lane
Conshohocken, PA 19428

C. Background of the Draft Final Regulations and Statement of Policy

In response to comments received during the official public comment period on the proposed rulemaking and following the Department's review of other related information, the Department has prepared a draft final regulation for public comment. While there is no legal requirement to provide an opportunity to comment on the Department's recommendations for final rulemaking, the Department believes further discussion would serve the public interest in this instance. Because of the close association of the toxics management statement of policy with the regulations, the statement of policy is being included in the same meetings, hearings and comment period.

The preamble to the proposed regulation asked for comment on whether or not the potable water supply use should continue to be a Statewide use, or whether it should be changed so that applicable water quality criteria are only applied at existing or planned potable water supply intakes. Based on public comments, no change is being made to the potable water supply use, and the current language is retained.

This regulatory package also constitutes the Triennial Review of Water Quality Standards mandated by EPA regulations at 40 CFR Part 131. Part of the review requires that states reexamine water body segments that do not meet the fishable or swimmable uses specified in section 101(a)(2) of the Federal Clean Water Act. The Department evaluated the two water bodies where the uses are not met: (1) the Harbor Basin and entrance channel to Outer Erie Harbor/Presque Isle Bay; and (2) several zones in the Delaware Estuary.

The swimmable use designation was deleted from the Harbor Basin and entrance channel demarcated by United States Coast Guard buoys and channel markers on Outer Erie Harbor/Presque Isle Bay because boat and shipping traffic pose a serious safety hazard in this area. This decision was based on a Use Attainability study in 1985. Because the same conditions exist today, no change to the designated use for Outer Erie Harbor/Presque Isle Bay is proposed.

The Department cooperated with the Delaware River Basin Commission (DRBC), EPA and other DRBC signatory states on a comprehensive Use Attainability study in the lower Delaware River and Delaware Estuary. This study resulted in appropriate recommendations relating to the swimmable use, which DRBC included in water use classifications and water quality criteria for portions of the tidal Delaware River in May 1991. Criteria for enterococcus and changes in application to the fecal coliform criteria in this area reflect the use. The changes were incorporated into §§ 93.9e and 93.9g (Drainage

Lists E and G) in 1994. The primary water contact use remains excluded from the designated uses for river miles 108.4 to 81.8 because of continuing significant impacts from combined sewer overflows.

A change is made in the "Water Uses Protected" column of § 93.9p for a portion of Tunungwant Creek to correct an error. A transcription error was made in the *Pennsylvania Code* following notice of the EQB's final regulation at the November 15, 1988 meeting in 19 Pa.B. 968 (March 11, 1989). The final rulemaking deleted the exception to the water contact sports (WC) use for Tunungwant Creek, but the change was not made to the *Pennsylvania Code*. The deletion of the designated use "WC" is amended to reflect the EQB action.

The draft final regulation and statement of policy contain changes in the following areas:

Chapter 16: In response to public comments that believed the proposal would be a lessening of water quality protection, 75 aquatic life criteria that had been proposed to be replaced with "guidance values," are proposed to be reinstated as criteria in Table 1. The Department proposes to delete discussion of the methodology and guidance values in the draft final changes to the statement of policy.

Several changes to water quality criteria are proposed to be made to update the criteria to reflect recent data and the EPA's criteria recommendations. To respond to the EPA's concern and provide consistency among the criteria, all water quality criteria are proposed to be rounded to two significant figures. Other language changes are proposed to be made to provide clarity and consistency, as pointed out in various comments.

Chapter 92: The most significant amendments to Chapter 92 (relating to the National Pollutant Discharge Elimination System permitting program) include changes to the pollution prevention provisions, monitoring requirements and the general NPDES provisions. The pollution prevention provisions have been rewritten to place the responsibility for encouraging pollution prevention on the Department rather than on the permittee. Proposed language that would have required a permittee to identify unregulated pollutants in its discharge and explain how the discharge of these pollutants would be eliminated or a permit amendment would be sought, has been deleted from the proposed amendments. Provisions that would have established effluent limits in general NPDES permits for any toxic or hazardous substance and authorized the use of these general permits in High Quality waters have been deleted and the original language reinstated.

Chapter 93: Warm water fishes (WWF) is proposed to be reinstated in the regulation as the base level of aquatic life use protection. This change was done in response to comments that pointed out that, under the proposal, unlisted waters would have no default protection until assessed.

To respond to comments, the criterion for phenolics (Phen—5 ug/l) is proposed to be reinstated as it currently exists in § 93.7, Table 3, and is proposed to be applied with total dissolved solids (TDS1), nitrite plus nitrate (N), and fluoride (F) under new § 96.3(d).

In § 93.9o of the drainage list of streams, the site-specific color criterion for the Main Stem of Codorus Creek in York County is proposed to be removed because the justification for a separate criterion of 50 platinum cobalt units is unclear. There is no perceptible difference instream between the two criteria (50 and 75 platinum cobalt units) and the EPA supports the change as appro-

priate for all State waters. The color level in the applicable stream exceeds both the site-specific and the State-wide criteria, so there is no lowering of existing quality involved in the proposed change. The Statewide color criterion (75 platinum cobalt units) would apply to the stream and, when it is achieved, will enhance the water quality.

Chapter 95: Section 97.15, quality standards, and § 97.63, oil bearing wastes (which was proposed to be moved to § 92.2d), are proposed to be moved to § 95.2 to continue to address situations that may be beyond the scope of NPDES permit coverage.

Chapter 96: Several comments addressed issues with the development of total maximum daily loads (TMDLs). Definitions for terms that do not appear in the chapter are proposed to be deleted and clarifying amendments are proposed to be made to some of the definitions. A new definition for "WQBEL" or "water quality based effluent limitation" is proposed to be added because the regulatory basis for development of effluent limitations is also proposed to be clarified in the chapter. Sections 96.3 and 96.4 (relating to water quality protection requirements; and TMDLs and WQBELs) are proposed to be amended and reorganized in response to the comments.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1578. Filed for public inspection September 17, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 160]

Utility Gross Receipts Tax

The Department of Revenue (Department), under the authority contained in section 6 of The Fiscal Code (72 P. S. § 6), proposes amendments to Chapter 160 (relating to utilities gross receipts tax), by deleting § 160.11 (relating to railroad gross receipts tax credit) and adding §§ 160.21—160.33 to read as set forth in Annex A.

Purpose of Proposed Amendments

In section 1 of Act 138-1996 the General Assembly declares in part, "Because of advances in electric generation technology and Federal initiatives to encourage greater competition in the wholesale electric market, it is now in the public interest to permit retail customers to obtain direct access to a competitive generation market as long as safe and affordable service is available at levels of reliability that are currently enjoyed by the citizens and businesses of this Commonwealth."

The Department is proposing these amendments to clarify the changes to the utility gross receipts tax brought about by utility deregulation (Act 138-1996) codified in 15 Pa.C.S. (relating to corporations and unincorporated associations) and 66 Pa.C.S. (relating to public utilities). These proposed amendments will also provide guidance and clarity to out-of-State businesses and the emerging industry.

Explanation of Regulatory Requirements

Section 160.11 (relating to railroad gross receipts tax credit) sets forth the Department's interpretation of sec-

tion 1101.2 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 8101.2). Section 13 of Act 21-1995 repealed section 1101.2 of the TRC; therefore, the Department is proposing to delete § 160.11 in its entirety.

General Provisions

Section 160.21 (relating to scope) provides that §§ 160.23—160.33 reflect changes made to the utilities gross receipts tax through the effect of electric industry restructuring occasioned by Act 138-1996. Section 160.22 (relating to definitions) defines numerous terms used throughout the chapter. Section 160.23 (relating to tax on gross receipts) describes the companies subject to tax, what "doing business" shall include and what gross receipts are subject to tax.

Tax on the Use of Electricity

Section 160.31 (relating to tax on the use of electricity) explains in subsection (a) when tax on the use of electricity under 66 Pa.C.S. §§ 2806(g)(3)(iii) or 2809(c)(2) shall be imposed; subsection (b) explains what actions the Department is authorized to take if an electricity supplier has not properly reported and remitted the tax imposed upon gross receipts; subsection (c) explains the indemnification or reimbursement process; subsection (d) details the presumptions utilized in applying payments or determining refund priorities; and subsection (e) provides that the liability for unpaid gross receipts tax will not be extinguished by payment of a tax on the use of electricity.

Licensing

Subsection (a) of § 160.41 (relating to electric generation supplier license procedures) describes provisions relating to the license application; subsection (b) provides that by May 1, 1998, and every year thereafter, the Pennsylvania Public Utility Commission (Commission) shall provide the Department with a list of licensed electric generation suppliers with their accompanying State tax numbers, similar identification numbers and any other information the Department will require. By the immediately succeeding July 30, the Department will review the tax records of the licensees and determine whether a licensed electric generation supplier has a tax liability of failure to otherwise comply.

Subsection (c) provides the procedures that shall be followed if the Department determines that an applicant or licensed electric generation supplier has a tax liability or failure to otherwise comply. Subsection (d) provides that the Commission may request the State tax information necessary to ascertain compliance with the requirements for licensure or to institute licensure revocation proceedings.

Affected Parties

Electric generation suppliers doing business in this Commonwealth will be affected by the proposed amendments.

Fiscal Impact

The Department has determined that the proposed amendments will have no fiscal impact on the Commonwealth.

Paperwork

The proposed amendments will not generate additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*. The pro-

posed amendments are scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposed amendments to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on September 2, 1999, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Finance. In addition to submitting the proposal, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-410. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE VI. CORPORATION TAXES

CHAPTER 160. UTILITIES GROSS RECEIPTS TAX

(Editor's Note: The Department is proposing to delete § 160.11 as it appears at Pennsylvania Code page 160-1 (serial page (115389)).

§ 160.11. (Reserved).

GENERAL PROVISIONS

§ 160.21. Scope.

This chapter reflects changes made to the utilities gross receipts tax through the effect of electric industry restructuring occasioned by 66 Pa.C.S. Chapter 28 (relating to Electricity Generation Customer Choice and Competition Act).

§ 160.22. Definitions.

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

Commission—The Pennsylvania Public Utility Commission.

Electricity supplier—An "electric generation supplier" or "electricity supplier" as defined in 66 Pa.C.S. § 2803 (relating to definitions).

Failure to otherwise comply—The term includes the failure to register with the Department for all applicable taxes imposed by the TRC, the failure to file required tax returns or reports within the time period and in the manner provided by law, the failure to provide complete information to the Department within 45 days of request, the failure to reasonably report and pay tax liabilities, which shall generally be construed as reporting or paying less than 75% of the settled or resettled tax liability without reasonable justification.

Related services—The services that accompany the delivery of electricity in this Commonwealth to a retail electric customer that would have been deemed to be sales of electric energy prior to January 1, 1997, whether bundled, unbundled or separately billed.

Resale—The sale of electricity and related services to a purchaser that does not use or consume the electricity or related services, but resells the electricity or related services in the ordinary course of its business.

Retail electric customer—An end-use customer or consumer of electricity that also meets the definition of a "retail electric customer" contained in 66 Pa.C.S. § 2803.

Sales of electric energy—"Sales of electric energy" as defined by 66 Pa.C.S. § 2810(j) (relating to revenue-neutral reconciliation). The term also includes: customer charges, capacity charges, demand charges, stand-by charges or usage fees for electric energy and related services to the end-use customer.

State tax information—The information maintained by the Department that is necessary for the administration of 66 Pa.C.S. §§ 2806 and 2809 (relating to implementation, pilot programs and performance-based rates; and requirements for electric generation suppliers) providing for the grant, renewal, or transfer of an electric generation supplier license.

Tax liability—A tax, estimated tax, interest, penalty, fee, addition, cost or other charge authorized to be imposed and collected by the Department in the administration of the TRC and 66 Pa.C.S. Chapter 28 (relating to the Electricity Generation Customer Choice and Competition Act), which has not been paid within the time period and in the manner provided by law or the failure to indemnify an electric distribution company for the tax on the use of electricity remitted to the Department under 66 Pa.C.S. §§ 2808 and 2809 (relating to competitive transition charge).

Tax imposed upon gross receipts—The tax imposed under section 1101 of the TRC (72 P.S. § 8101) and 66 Pa.C.S. § 2810.

§ 160.23. Tax on gross receipts.

(a) *Companies subject to tax.* Electric light companies, waterpower companies, hydroelectric companies, electric distribution companies, electric generation suppliers, electric cooperatives and municipalities to the extent provided in section 1101 of the TRC (72 P.S. § 8101(b)), 15 Pa.C.S., Chapter 74 (relating to electric cooperatives) and 66 Pa.C.S. § 2810 (relating to revenue-neutral reconciliation) and doing business in this Commonwealth shall be subject to the tax imposed upon gross receipts.

(b) *Doing business.* As used in subsection (a) doing business includes the phrases "doing business in this Commonwealth" and "engaged in electric light and power business, waterpower business and hydroelectric business in this Commonwealth," as these terms are used in section 1101(b) of the TRC (72 P.S. § 8101(b)) and 66 Pa.C.S. § 2810(j). It also includes the direct or indirect

engaging in, transacting or conducting of activity in this Commonwealth for the purpose of establishing or maintaining a market for the sales of electric energy and includes obtaining a license or certification from the Commission to supply electric energy.

(c) *Taxable gross receipts.* The tax is imposed upon the taxpayer's gross receipts derived from sales of electric energy to retail electric customers in this Commonwealth, but does not include gross receipts from sales for resale to persons subject to the tax imposed upon gross receipts, or gross receipts from sales that are otherwise exempt under section 1101 of the TRC (72 P.S. § 8101). Retail sales of generation shall be deemed to occur at the meter of the retail consumer.

TAX ON THE USE OF ELECTRICITY

§ 160.31. Tax on the use of electricity.

(a) *Tax imposed.* A tax on the use of electricity under 66 Pa.C.S. §§ 2806(g)(3)(iii) or 2809(c)(2) (relating to implementation, pilot programs and performance-based rates; and requirements for electric generation suppliers) shall be imposed upon an electric distribution company, provided sales of electric energy are made to a retail customer of the electric distribution company by an electricity supplier that has failed to properly report and remit the tax imposed on gross receipts.

(b) *Failure of electricity supplier to report and pay tax on gross receipts.* Upon ascertaining that an electricity supplier has not properly reported and remitted the tax imposed upon gross receipts, the Department is authorized under section 1102 of TRC (72 P.S. § 8102) to:

(1) Estimate, settle or resettle the tax on gross receipts of the electricity supplier to include the proper tax, interest and penalty and at the same time, settle or resettle under paragraph (2).

(2) Settle or resettle and collect within 30 days of notice any unpaid tax, but not any interest or penalty imposed on the electricity supplier on the use of electricity from the electric distribution company with respect to retail customers it served. The tax shall be calculated by multiplying the kilowatt hours distributed on behalf of the electricity supplier for which no gross receipts tax has been remitted, by the electric distribution company's shopping credit provided to customers and filed with the Commission for electricity supply during the tax period. In the event that the actual gross receipts of the electricity supplier for which no gross receipts were received are known and available, the tax shall consist of these gross receipts multiplied by the applicable tax rate.

(3) Resettle the tax on the use of electricity of the electric distribution company to eliminate any gross receipts upon which tax has been also paid by the electricity supplier, when both the electricity supplier and the electric distribution company have made payment to the Department with respect to estimates, settlements or resettlements issued under paragraphs (1) and (2)

(c) *Indemnification of electric distribution company that has paid use tax.* Upon payment to the Department of the tax on the use of electricity, the electric distribution company may collect or seek indemnification or reimbursement from the electricity supplier or from the end-user of the electricity in this Commonwealth.

(1) When collecting or seeking indemnification or reimbursement, the electric distribution company shall provide the following information to the party from whom the collection is made or from whom indemnification or reimbursement is sought:

(i) The tax, interest and penalties due.

(ii) Notice that the party may appeal the collection or request for indemnification or reimbursement by filing a petition with the Board of Appeals not later than 30 days after the date on which the collection was made or the request for indemnification or reimbursement was mailed by the electric distribution company.

(iii) The mailing address of the Board of Appeals where parties may appeal requests for indemnification or reimbursements.

(2) The indemnification or reimbursement shall be due within 30 days of the mailing date of the request for indemnification or reimbursement.

(d) *Duplicate payments.* In applying payments or determining refund priorities, the following presumptions shall apply:

(1) When both the electricity supplier and the electric distribution company have provided payment to the Department from estimates, settlements or resettlements issued under subsection (b)(1) and (2), the Department will first apply payment from the electricity supplier to satisfy the unpaid liability.

(2) Within 30 days of receipt of indemnification or reimbursement by an electric distribution company from the electricity supplier and the retail electric customer, the electric distribution company shall issue a refund or credit in the retail electric customer's next monthly bill.

(3) Within 30 days of receipt or notice of a refund or credit of tax on the use of electricity, that was reimbursed by a retail customer, the electric distribution company shall issue a refund or credit in the retail customer's next monthly bill.

(e) *Effect on unpaid gross receipts tax.* The liability for unpaid gross receipts tax, interest, or penalty of the electricity supplier is not extinguished by payment of a tax on the use of electricity.

LICENSING

§ 160.41. Electric generation supplier license procedures.

(a) *License application.* Upon request from the Commission, the Department will confirm that an applicant has no tax liabilities not subject to appeal under section 202 of the TRC (72 P. S. § 7202), section 1101 of the TRC

(72 P. S. § 8101) and 66 Pa.C.S. § 2810 (relating to revenue-neutral reconciliation) or failure to otherwise comply. If the applicant has a tax liability or failure to otherwise comply, the Department will follow the procedures set forth in subsection (c).

(b) *Licensed electric generation suppliers.* By May 1, 1998, and every year thereafter, the Commission shall provide the Department with a list of licensed electric generation suppliers with their accompanying State tax numbers, similar identification numbers and any other information the Department will require. By July 30, 1998, the Department will review the tax records of the licensees and determine whether a licensed electric generation supplier has a tax liability or failure to otherwise comply.

(c) *Procedures.*

(1) If the Department determines that an applicant or licensed electric generation supplier has a tax liability or failure to otherwise comply, the Department will notify the entity of the tax liability or the failure to otherwise comply.

(2) The entity shall have 45 days from the mailing date of the notice to fully remit the unpaid tax liability or correct the failure to otherwise comply.

(3) If the entity fails to fully remit the unpaid tax liability or correct the failure to otherwise comply within 45 days, the Department will forward a notice to the Commission with a recommendation that the Commission deny the application for electric generation supplier licensure, or institute license revocation proceedings, as applicable.

(d) *State tax information.* The Commission may request the State tax information necessary to ascertain compliance with the requirements for licensure or to institute licensure revocation proceedings. It shall be available for inspection or disclosure upon written request by the Chairperson of the Commission or by the authorized representative of the Chairperson of the Commission designated in the written request as the individual who is to inspect or receive State tax information on behalf of the Commission.

[Pa.B. Doc. No. 99-1579. Filed for public inspection September 17, 1999, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective August 31, 1999.

The organization chart at 29 Pa.B. 4878 (September 18, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 99-1580. Filed for public inspection September 17, 1999, 9:00 a.m.]

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 123]

Community Revitalization Program

The Department of Community and Economic Development (Department) hereby amends Chapter 123 (relating to Community Revitalization Program) to read as set forth in Annex A. The statement of policy is amended under the authority of Part II, section 209 of Act 1A of 1999 (Appropriation Act).

Background

The Appropriation Act requires the Department to publish Community Revitalization Program (CRP) guidelines in the *Pennsylvania Bulletin* prior to the spending of the 1999-2000 moneys designated for CRP. This amended statement of policy updates the existing CRP guidelines published in 1998.

Amendments

§ 123.1 (relating to introduction) is amended to update the references to the Appropriation Act.

§ 123.2 (relating to definitions) is amended to add definitions for the terms "application" and "Department."

§ 123.3 (relating to eligibility) is amended to update the reference to the Appropriation Act and to list the criteria for eligible projects.

§ 123.4 (relating to program requirements and instructions) is amended to include a statement that documentation may consist of an itemized line-by-line listing of how applicants arrived at the specific amounts for the project.

§ 123.5 (relating to application submission and approval procedure) is amended to change submission information, grant award cycles and proposed award dates.

§ 123.6 (relating to procedures) is amended to add clarifying language.

§ 123.7 (relating to limitations and penalties) is amended to include a provision on penalties for noncompliance with procedures.

§ 123.8 (relating to contact information) is amended to provide updated contact information.

Fiscal Impact

The amended statement of policy has no fiscal impact on the Commonwealth, political subdivisions or the public.

Paperwork Requirements

Additional paperwork requirements are not imposed as a result of the amended statement of policy.

Contact Person

For further information regarding the amended statement of policy, contact Matthew Tunnell, Director, Office of Policy, Department of Community and Economic Development, Room 433 Forum Building, Harrisburg, PA 17120, (717) 787-3003.

Findings

The Department finds that:

Delay in implementing the statement of policy will have a serious adverse impact on the public interest.

Order

The Department, acting under the authorizing statute, orders that:

(a) The statement of policy of the Department, 12 Pa. Code Chapter 123, is amended by amending §§ 123.1—123.8 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel for approval as to form and legality as required by law.

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

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

SAMUEL MCCULLOUGH,
Secretary

Fiscal Note: 4-70. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

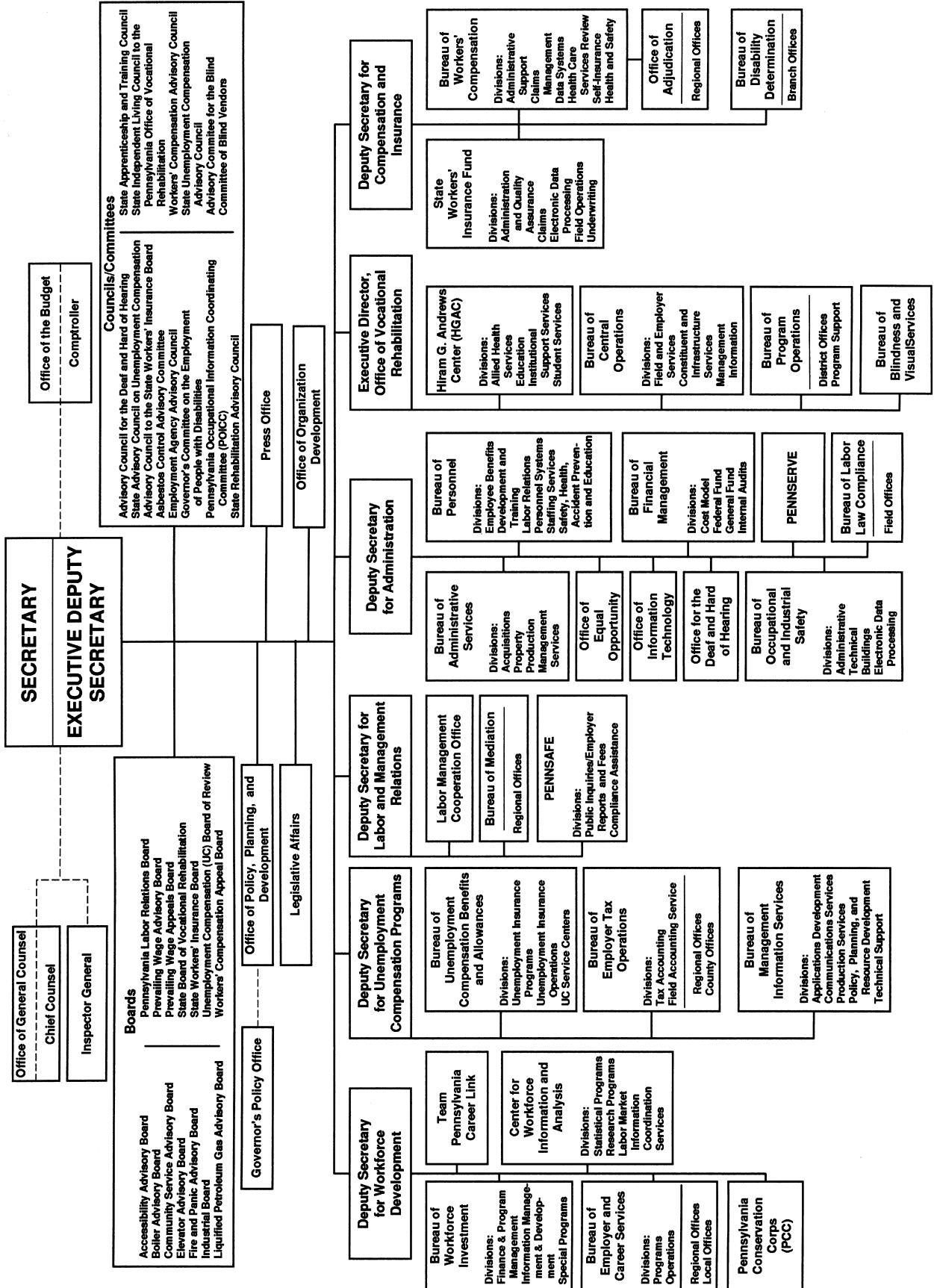
PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

CHAPTER 123. COMMUNITY REVITALIZATION PROGRAM—STATEMENT OF POLICY

§ 123.1. Introduction.

(a) The CRP provides grants for community revitalization and improvement projects throughout this Commonwealth. CRP funds may be used for projects that are in

DEPARTMENT OF LABOR AND INDUSTRY



accordance with Act 1A of 1999. Eligible projects are defined in § 123.3(b) (relating to eligibility).

(b) Assistance from the CRP is in the form of grants from the Commonwealth to eligible applicants for projects which, in the judgment of the Department, comply with Act 1A of 1999, are in accordance with the program guidelines in this chapter and meet all Department Single Application for Assistance criteria found in the application.

(c) Applicants should be aware that applications for other Department programs may also be considered under the CRP. This creates a large pool of applications for a limited appropriation from the General Assembly. As such, not every application can or will be funded.

(d) 1999 CRP expenditures will be charged to the State fiscal year July 1, 1999, to June 30, 2000.

§ 123.2. Definitions.

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

Application—The Department's Single Application for Assistance.

CRP—The Community Revitalization Program.

Department—The Department of Community and Economic Development of the Commonwealth.

§ 123.3 Eligibility.

(a) *Eligible applicants.* The following applicants are eligible:

(1) General purpose units of local government, including, but not limited to, counties, cities, boroughs, townships and home rule municipalities.

(2) Municipal and redevelopment authorities and agencies.

(3) Industrial development authorities and agencies.

(4) Nonprofit corporations incorporated under the laws of the Commonwealth.

(5) Community organizations engaged in activities consistent with the program guidelines as determined by the Department.

(b) *Eligible projects.* CRP funds may be used for community revitalization and improvement projects that are consistent with Act 1A of 1999. Eligibility projects include projects which must meet one or more of the following criteria:

(1) Improve the stability of the community.

(2) Promote economic development.

(3) Improve existing or develop new, or both, civic, cultural, recreational, industrial and other facilities.

(4) Assist in business retention, expansion, creation or attraction.

(5) Promote the creation of jobs and employment opportunities.

(6) Enhance the health, welfare and quality of life of Pennsylvania citizens.

(c) *Guideline compliance for Fiscal Year 1999-2000.* Projects that receive funding shall meet one or more of the criteria listed in subsection (b).

§ 123.4. Program requirements and instructions.

The following requirements apply to CRP:

(1) Project applications shall be submitted using the Department's Single Application for Assistance. Applications are available from the Department's Customer Service Center or the Department's website. Addresses and phone numbers are listed in § 123.5(a) (relating to application submission and approval procedure).

(2) The Department reserves the right to:

(i) Request additional information regarding proposed use of funds.

(ii) Verify non-Department funding sources.

(iii) Require explanation or revision of the project's budget.

(iv) Require clarification of the project's narrative.

(3) Incomplete applications may be rejected. An applicant shall follow the detailed instructions for completing the Department's Single Application for Assistance when applying for CRP, especially, with regards to the completion of the Project Narrative section. The following excerpt from the Department Single Application for Assistance provides the level of detail that the Department is seeking on a project.

A typewritten (or computer generated) Project Narrative must accompany the Single Application for Assistance. The narrative should provide a detailed and comprehensive description of the project. The narrative must specifically address each of the cost items identified in the Project Budget section of the application. In general, the narrative should include:

- Specific Problems to be Addressed or Improvement to be financed. Identify the problem that needs to be resolved.

- Project Description. What do you plan to accomplish with this project and how do you plan to accomplish it?

- Expected Outcomes. Examples of measurable outcomes include jobs created or retained, people trained, land or buildings acquired, park constructed, feet of road repaired, etc.

- Projected Schedule and Key Milestones and Dates. A detailed project schedule must accompany the application, including key milestones and dates.

- Documentation to support Projected Budget Costs. This documentation may consist of an itemized line-by-line listing of how you arrived at the specific budget items for the project, bids or cost quotations, contractor estimates, appraisals, engineer estimates.

- Documentation of matching dollars such as commitment letters, receipts, etc.

- Religious disclaimer. If an applicant has a religious affiliation, the applicant should provide a disclaimer assuring that DCED funds will not be used for religious purposes.

§ 123.5. Application submission and approval procedure.

(a) The application is available by calling the Customer Service Center the Department's Regional Offices or at the Department's website DCED@state.pa.us. Applications will be accepted anytime throughout the fiscal year, subject to § 123.7 (relating to limitations and penalties). Applications should be submitted to the following address:

Department of Community
and Economic Development
Customer Service Center
400 Forum Building
Harrisburg, PA 17120
1-800-379-7448

(b) CRP grant awards will be made in four funding rounds during the fiscal year. Department will grant approximately 20% to 25% of the program appropriation in each round, and the balance in the final round. These percentages are targets. The Department will make every effort to allocate program funds in accordance with these targets, but is not bound to them. Applicants should not apply in each round, and should apply only once during the 1999-2000 Fiscal Year. Grant applications not funded in a round will be rolled into the next round for consideration.

(1) The first round consideration will include all applications received between July 1 and Thursday, September 30, 1999.

(2) The second round will include applications received by Tuesday, November 30, 1999, and applications not approved in the first round.

(3) The third round will include applications received by Monday, January 31, 2000, and applications not approved in the first and second rounds.

(4) The fourth round will include applications received by Friday, March 31, 2000, and applications not approved in the first, second and third rounds.

(5) Targeted grant announcement dates, subject to change without notice at the discretion of the Department, are as follows:

- (i) November 1999 for the first round.
- (ii) January 2000 for the second round.
- (iii) March 2000 for the third round.
- (iv) May 2000 for the fourth round.

(c) Any CRP funds remaining after the fourth round may be awarded by the Department up to the end of the fiscal year.

(d) Unlike prior years, letters will not be sent to applicants after each funding round advising applicants that they have not been funded.

(e) Applicants that do not receive funding during any of the rounds will be notified at the end of the fiscal year.

(f) Follow up information as to the status of submitted grant applications may be obtained by contacting the Department's Customer Service Center. However, calls are not encouraged. The account manager letter is confirmation of receipt of the application. Please remember that the demand for this program is very high, and staff may not be familiar with each individual application. Applicant care in preparation of the application will assist the Department in processing the application.

(h) Applicants should not submit more than one application per fiscal year. Additional applications do not enhance opportunity for funding. The Department reserves the right to reject additional applications from the same applicant, without notice to the applicant.

(i) The Department reserves the right to reject, without notification, applications received after March 31, 2000, for the 1999—2000 fiscal year appropriation.

§ 123.6. Procedures.

(a) CRP grant award notifications will be made by letter. After the award letter has been mailed, the applicant will receive a contract document that shall be signed by the grantee and returned to the Department for execution on behalf of the Commonwealth. No grants will be awarded without a fully executed contract.

(b) The applicant will maintain full and accurate records with respect to the project. The Department will have free access to these records including invoices of material and other relative data and records, as well as the right to inspect all project work. The applicant shall furnish upon request of the Department all data, reports, contracts, documents and other information relevant to the project.

(c) Approved grants in the amount of \$100,000 or more require the grantee to provide an audit of the grant by a certified public accountant, prepared at the expense of the grantee, in compliance with Pennsylvania State law.

(d) Approved grants under \$100,000 require the grantee to submit a detailed financial statement and a close out report of the use of State funds consistent with the contract. An audit is recommended, although not required.

(e) Funds will be disbursed according to the provisions in the contract between the applicant and the Department.

(f) All applications not acted on favorably will be considered to have been denied and will not be considered for the 2000—2001 fiscal year.

§ 123.7. Limitations and penalties.

(a) This section identifies program limitations or penalties, or both, that may result from the misuse of the grant funds.

(b) An applicant may not make or authorize any substantial change in an approved project without first obtaining consent of the Department in writing.

(c) If the full amount of the grant is not required for the project, the unused portion of the grant shall be returned to the Department.

(d) Failure to comply with procedures may result in penalties, including repayment of funds with interest.

§ 123.8. Contact information.

(a) All applicants and inquires should be directed to:

Pennsylvania Department of Community
and Economic Development
Customer Service Center
400 Forum Building
Harrisburg, Pennsylvania 17120
(800) 379-7448
DCED@state.pa.us

(b) Inquiries regarding applications that have been received by the Department and have been assigned an Account Manager, should be directed to the Account Manager. Please reference the assigned application number.

[Pa.B. Doc. No. 99-1581. Filed for public inspection September 17, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 7, 1999.

BANKING INSTITUTIONS Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-6-99	Sky Financial Group, Inc., Bowling Green, Ohio, to acquire 100% of the voting shares of First Western Bancorp, Inc., New Castle, PA	Bowling Green, OH	Effective

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Avenue</i>
9-2-99	Aris Trust Company State College Centre County	270 Walker Drive P. O. Box 1318 State College Centre County	Commenced Operations

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
9-1-99	Quaint Oak Building and Loan Association Southampton Bucks County	Southampton	Approved
	<i>To:</i> Quaint Oak Savings Bank Southampton Bucks County		
	Represents conversion from a State-chartered mutual savings and loan association to a State-chartered mutual savings bank.		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-1-99	Premier Bank Doylestown Bucks County	General Hancock Shopping Center Horsham and Upper State Roads Montgomeryville Montgomery County	Filed

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
9-1-99	SVH Credit Union Sewickley Allegheny County	To provide for a change in corporate title to "HVHS Credit Union;" and to amend the field of membership to reflect the change in name to "Heritage Valley Health System of Pennsylvania."	Approved and Effective

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-1582. Filed for public inspection September 17, 1999, 9:00 a.m.]

Maximum Lawful Rate of Interest to Residential Mortgages for the Month of October 1999

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of October, 1999, is 8 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 6.37 to which was added 2.50 percentage points for a total of 8.87 that by law is rounded off to the nearest quarter at 8 3/4%.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-1583. Filed for public inspection September 17, 1999, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Request for Application under Section 204 of the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1998 (P. L. 105-332)

Applications for FY 1999-2000 Perkins Vocational and Applied Technology Act competitive funds are invited for the following category:

Tech Prep Education: Statewide incorporation and implementation of industry skill standards in high skill technical occupational areas with high employment needs.

1. Eligibility Requirements

Be an accredited, nonprofit 2/4 year public or private university or college/ community college or a local education agency.

2. Application Requirements

Applications are due October 18, 1999 by 5 p.m.

3. Application Forms and Guidelines

Completion of applications requires the use of two references: the general and Request for Application guidelines. These documents are available from Kathleen Weidinger, Division of Advisory and Approval Services, Bureau of Vocational-Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 787-5293.

4. Completed Applications

Completed applications are to be mailed or delivered (not faxed) to the Division of Advisory and Approval Services (see previous address).

5. Preproposal Conference/Funding Workshop

The Department of Education, Bureau of Vocational-Technical Education, will conduct a preproposal conference/ funding workshop on Thursday, September 30, 1999, to review funding priorities and application procedures. The preproposal conference will be held at 333 Market Street, in the sixth floor conference room (Green Room) and will begin at 1:30 p.m. and is expected to conclude by 3 p.m.

Attendance at this meeting is not a prerequisite for application for this grant program.

Contact Kathleen Weidinger at the Bureau of Vocational-Technical Education at (717) 787-5293 to pre-register for this preproposal conference.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1584. Filed for public inspection September 17, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

NPDES Permit No. PA 002628, Amendment No. 1. Sewage, SIC: 4952, **Borough of Lewistown**, 2 East Third Street, Lewistown, PA 17044-1799.

This action is for amendment of an NPDES permit for an existing discharge of treated sewage to the Juniata River in the Borough of Lewistown, **Mifflin County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the Dauphin Consolidated Water Company located at the Rockville Bridge. The discharge is not expected to impact any potable water supply.

The proposed change to the permit is the removal of the second paragraph of Part B.I.D., regarding Best Management Practices.

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

The EPA waiver is not in effect.

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

PA 0095257. Industrial waste, SIC: 4941, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

This application is for issuance of an NPDES permit to discharge treated process water from a water treatment plant in Creekside Borough, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, McKee Run, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Buffalo Township Municipal Authority, located at Freeport, 52 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.002 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			30		60
Aluminum			4		8
Iron			2		4
Manganese			1		2
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0034185. Sewage, **Kenneth Hurlburt**, 4751 Kendor Drive, Lower Burrell, PA 15068.

This application is for renewal of an NPDES permit to discharge treated sewage from the High Meadows Mobile Home Park Sewage Treatment Plant in Allegheny Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of the Allegheny 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 Clearview Water Supply Company.

Outfall 001: existing discharge, design flow of .02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	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 0091049. Sewage, **U. S. Health and Human Services**, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, Pittsburgh Research Laboratory, P. O. Box 18070, Pittsburgh, PA 15236-0070.

This application is for renewal of an NPDES permit to discharge treated sewage from Lake Lynn Laboratory STP in Springhill Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Rubles Run—Dragoo Hollow, 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 Albert Gallatin Municipal Authority on the Cheat River.

Outfall 001: existing discharge, design flow of 0.00035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0093254. Sewage, **Sugar Creek Rest, Inc.**, R. D. 2, Box 80, Worthington, PA 16262-9004.

This application is for renewal of an NPDES permit to discharge treated sewage from Sugar Creek Rest STP in Sugar Creek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Patterson Creek, which are classified as a high quality trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Cadogen Water Works.

Outfall 001: existing discharge, design flow of .02 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	20			40
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	6.0			12.0

<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) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 0.13			0.3
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0096385. Sewage, **Connellsville Area School District**, Administrative Building, 125 North Seventh Street, Connellsville, PA 15425.

This application is for renewal of an NPDES permit to discharge treated sewage from the Bullskin Township Elementary School Sewage Treatment Plant in Bullskin Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Mounts 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 Westmoreland County Municipal Authority—McKeesport—located on the Youghiogheny River.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	19			38
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0097128. Sewage, **Paisley Industrial Park, County of Greene**, Greene County Commissioners, 93 East High Street, Waynesburg, PA 15370-1839.

This application is for issuance of an NPDES permit to discharge treated sewage from the Paisley Industrial Park Sewage Treatment Plant in Cumberland Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Whiteley 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 Southwestern Pennsylvania Water Authority located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.015 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) (11-1 to 4-30)	3.5 10.5			7.0 21.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 4,000/100 ml as a geometric mean			
Total Residual Chlorine	0.6			1.5

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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 0098523. Sewage, **Calvin Cramer**, 305 Oberdick Drive, McKeesport, PA 15135.

This application is for renewal of an NPDES permit to discharge treated sewage from Glenmeadow Mobile Home Park STP in Amwell Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of .0367 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 9-31)	2.0			4.0
(11-1 to 4-30)	3.0			6.0
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			
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0218235. Sewage, **Russell W. Smith**, 101 Spruce Hill Lane, Fombell, PA 16123.

This application is for issuance of an NPDES permit to discharge treated sewage from Russell W. Smith, Single Residence Sewage Treatment Plant in Marion Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Connoquenessing 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 Beaver Falls Municipal Authority.

Outfall 001: new discharge, design flow of .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	monitor and report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0218243. Sewage, **David Hribar**, R. R. 3, Box 40B, New Florence, PA 15944.

This application is for issuance of an NPDES permit to discharge treated sewage from Hribar Single Residence STP in Ligonier Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Bergstrom Hollow Run, which are classified as a high quality, 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 Latrobe Municipal Authority, Latrobe Reservoir, on Trout Run.

Outfall 001: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
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	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field 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 Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA 0055255	Charles F. Beck 6558 St. Peters Road Macungie, PA 18062	Lehigh County Upper Milford Township	Unnamed Tributary to Indian Creek	None

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. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, 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—691.1001).

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

A. 4899404. Glendon Properties, Inc., 108 North Eighth Street, Allentown, PA 18101-1293. Application for construction and operation of sanitary collection system and two pumping stations, located in the Borough of Glendon, **Northampton County**. Application received in the Regional Office—August 27, 1999.

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

A. 3096401, Amendment No. 1. Sewerage. Commonwealth of Pennsylvania, Department of Corrections, P. O. Box 598, Camp Hill, PA 17001-0598. Application for the expansion and operation of the existing sewage treatment plant which serves the SCI-Waynesburg located in Morgan Township, **Greene County**.

A. 5672407, Amendment No. 1. Sewerage. Borough of Meyersdale, 613 Second Street, P. O. Box 60, Meyersdale, PA 15552. Application for the modification and operation of the existing Meyersdale Sewage Treatment Plant, sewers and appurtenances, Charles Street Pump Station and a stream crossing located in Meyersdale Borough, **Somerset County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

INDIVIDUAL PERMITS

(PAS)

NPDES Individual

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

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

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

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

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

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

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

NPDES Permit PAS10-J045. Stormwater. White Horse Village, 535 Gradyville Road, Newtown Square, PA 19073, has applied to discharge stormwater from a construction activity located in Edgmont Township, **Delaware County**, to Ridley Creek.

NPDES Permit PAS10-G380. Stormwater. Owen J. Roberts School District, 901 Ridge Road, Pottstown, PA 19465-9314, has applied to discharge stormwater from a construction activity located in South Coventry Township, **Chester County**, to French Creek.

NPDES Permit PAS10-G381. Stormwater. Geffery Eachus, 444 Corner Kitch Road, Downingtown, PA 19335, has applied to discharge stormwater from a construction activity located in East Brandywine Township, **Chester County**, to Unnamed Tributary to East Branch Brandywine Creek.

NPDES Permit PAS10-G382. Stormwater. South-down Properties, Inc., 55 Country Club Drive, Suite 200, Downingtown, PA 19335, has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Unnamed Tributary to Shamona Creek.

NPDES Permit PAS10-G383. Stormwater. Edward A. Leo, 128 Round Hill Road, Kennett Square, PA 19348, has applied to discharge stormwater from a construction activity located in Lower Oxford Township, **Chester County**, to Unnamed Tributary to Big Elk Creek.

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

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

NPDES Permit PAS10Q013-R. Stormwater. **Anthony Koneski**, 5202 Mill Road, Emmaus, PA 18049, has applied to discharge stormwater from a construction activity located in Upper Milford Township, **Lehigh County**, to Little Lehigh Creek.

Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES Permit PAS10S082. Stormwater. **Bestway Lumber Treatment Ctr.**, Bestway Enterprises, Inc., 3877 Luker Rd., Cortland, NY 13047, has applied to discharge stormwater from a construction activity located in Barrett Township, **Monroe County**, to Cranberry Creek.

Pike County Conservation District, District Manager, HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

NPDES Permit PAS10V028. Stormwater. **Dreher Retail Center**, The Dreher Group, Richard Dreher, President, 102 Colliery Road, Dickson City, PA 18519, has applied to discharge stormwater from a construction activity located in Dingman Township, **Pike County**, to Dwarfs Kill Creek Tributary to Raymondskill Creek.

SAFE DRINKING WATER

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

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

1399502. Public water supply. **Golden Oaks Village**, David Quinn, Manager, White Haven Municipal Authority, 50 East Woodhaven Drive, White Haven, PA 18661. This proposal involves modifications to an existing well and construction of a new wellhouse, treatment facilities, 238,000 gallon storage tank and distribution system. The project incorporates two sedimentation basins. It is located in Kidder Township, **Carbon County**. *Engineer:* Rosewell S. McMullen, P.E.

3999504. Public water supply. **City of Allentown**, Joseph Slivka, Manager, Bureau of Water Resources, 1300 Martin Luther King, Jr. Drive, Allentown, PA 18102. This proposal involves constructing a fluoride facility room immediately south of the chemical area, in the first bay west of the chemical building. The layout for the facility was developed based on a hydrofluosilic acid liquid feed system. The design of the fluoride system incorporates a bulk storage tank, transfer pump, day tank and four feed pumps, with appurtenances (that is, automatic controls, residual analyzers, HVAC, safety equipment, and the like). It is located in the City of Allentown, **Lehigh County**. *Engineer:* Gary Kroll, P.E., Camp Dresser and McKee.

3999505. Public water supply. **Upper Saucon Township**, Bernard Rodgers, Township Secretary, Upper Saucon Township, 5500 Camp Meeting Road, Center Valley, PA 18034. This proposal involves the construction of corrosion control treatment facilities at the existing water blending facility located in Upper Saucon Township, **Lehigh County**. *Engineer:* David Heinly, Senior Engineer, Keystone Consulting Engineers.

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 0699506. Public water supply, **Cedar Hill Village Water Company**, Robeson Township, **Berks County**. *Responsible Official:* Darrin D. Heckman, Project Manager, P. O. Box 278, King of Prussia, PA 19406. *Type of Facility:* Construction of a new community water system including: well, disinfection, finished water storage and distribution. *Consulting Engineer:* Larry S. Turoscy, P.E., Lehigh Engineering Associates, Inc., 453 Main Street, Walnutport, PA 18088. Application received August 11, 1999.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental

Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Ashbourne Cleaners Site, Cheltenham Township, **Montgomery County**. Gregory S. Van Hook, Millennium Environmental Group, 6205 Easton Road, Pipersville, PA 18947, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Chronicle* on August 18, 1999.

Clinton Garage, City of Philadelphia, **Philadelphia County**. David Stockar, P.G., Versar, Inc., 1900 Frost Road, Suite 110, Bristol, PA 19007, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Tribune* on August 24, 1999.

Cimeo Tract, Sadsbury Township, **Chester County**. Steven L. Tanen, P.G., HydroScience, Inc., Center City Executive Centre, 607 Washington Street, Reading, PA 19601, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals. The applicant proposes to remediate the site to meet the Statewide health and background standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on August 25, 1999.

Former Service Station—102 Bala Avenue, Lower Merion Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soil contaminated with lead, solvents and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Main Line Times* on August 26, 1999.

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

Crawford Station, Middletown Borough, **Dauphin County**. Susquehanna Area Regional Airport Authority, Harrisburg International Airport, 135 York Drive, Suite 100, Middletown, PA 17057, has submitted a Notice of Intent to Remediate site soils, groundwater, surface water and sediment contaminated with heavy metals, solvents and PHCs. The applicant proposes to remediate the site as a special industrial area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot-News* during the week of August 29, 1999.

Wolverine Tube, Small Tube Products Division, Allegheny Township, **Blair County**. Wolverine Tube,

P. O. Box 2202, Decatur, AL 35609-2202, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with heavy metals. The applicant proposes to remediate the site to meet the site-specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror*.

SOLID AND HAZARDOUS WASTE

BENEFICIAL USE DETERMINATIONS

Beneficial use determinations received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.

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

Notice received from **Thomas Marks**, Box 182, Boyers, PA 16020, to beneficially use coal ash as a structural fill. The coal ash will be used to construct a private airport runway located in Venango Township, **Butler County**.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 100403. An application to increase the permitted acreage, to modify the groundwater monitoring plan, to use alternate daily covers and to recirculate leachate was received from **Seneca Landfill, Inc.**, P. O. Box 1080, Mars, PA 16046, located in Jackson and Lancaster Townships, **Butler County**. Application was accepted by the Regional Office on September 1, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support mate-

rials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

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

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

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permits

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

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

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

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

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

48-00009: Victaulic Co. of America (P. O. Box 31, Easton, PA 18044-0031), for foundry and surface coating operations in Forks Township, **Northampton County**.

PLAN APPROVALS

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

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

40-328-001A: Transcontinental Gas Pipeline Corp. (P. O. Box 1396, Houston, TX 77251-1396), for construction of a single cycle turbine at the Bear Creek facility in Buck Township, **Luzerne County**.

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

PA-10-047D: Mine Safety Appliances Co., Callery Chemical Division (1420 Mars-Evans City Road, Evans City, PA 16033), for installation of a new drying operation in the amine boranes process in Forward Township, **Butler County**.

PA-43-310C: Dufenco Farrell Corp. (15 Roemer Blvd., Farrell, PA 16121), for operation of the existing No. 4 tandem mill and oil mist emission control system in Farrell, **Mercer County**.

PA-43-310D: Dufenco Farrell Corp. (15 Roemer Blvd., Farrell, PA 16121), for construction of the existing No. 7 pickle line rebuild and new emissions control project in Farrell, **Mercer County**. The source is subject to 40 CFR Part 63 Subpart CCC.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

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

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

Coal Applications Received

40830202R2. Diamond Coal Company, Inc. (Route 309 N, Box Q, Milnesville, PA 18239), renewal of an existing coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 141.2 acres, receiving stream—none. Application received August 30, 1999.

54900101C4. Blackwood, Inc. (P. O. Box 639, Wind Gap, PA 18091), correction to an existing anthracite surface mine operation in Reilly, Branch and Tremont Townships, **Schuylkill County** affecting 1,847.6 acres, receiving stream—Panther Creek. Application received August 30, 1999.

54743208R3. Ginther Coal Company (P. O. Box 989, Pottsville, PA 17901), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in East Norwegian Township, **Schuylkill County** affecting 62.0 acres, receiving stream—Schuylkill River. Application received September 1, 1999.

54850201R3. Ginther Coal Company (P. O. Box 989, Pottsville, PA 17901), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Blythe Township, **Schuylkill County** affecting 31.0 acres, receiving stream—McMichael Creek. Application received September 1, 1999.

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

17990904. G & S Timber, Inc. (P. O. Box 207, Curwensville, PA 16833), commencement, operation and restoration of an incidental coal extraction permit in Bigler Township, **Clearfield County** affecting 5.5 acres. Receiving streams: unnamed stream to Upper Morgan Run to

Clearfield Creek to West Branch Susquehanna River. Application received August 26, 1999.

17990116. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 62 acres. Receiving streams: unnamed tributaries to Pine Run and Flegals Run and Taylor Spring Run. Application received August 30, 1999.

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

56890111. Permit Renewal, Dupstadt Coal (2835 Stutzmantown Road, Somerset, PA 15501), for continued restoration of a bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 70.8 acres, receiving stream Tub Mill Run and unnamed tributaries to Laurel Run. Application received August 27, 1999.

56693103. Permit Renewal, Diamond T Coal Company (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541), continued restoration of a bituminous-auger strip mine in Stonycreek Township, **Somerset County**, affecting 828.8 acres, receiving stream to unnamed tributary to Lamberts Run; to Lamberts Run; and to Grove Run and unnamed tributary to Grove Run. Application received August 30, 1999.

56713105. Permit Renewal for reclamation, only, Hoffman Mining, Inc. (P. O. Box 130, Friedens, PA 15541), for continued restoration of a bituminous-auger strip mine in Shade Township, **Somerset County**, affecting 540.5 acres, receiving stream to Oven Run. Application received September 1, 1999.

56763114. Permit Renewal, Svonavec, Inc. (160 West Union Street, Suite 201, Somerset, PA 15501), for continued restoration of a bituminous-Lower Mahoning Sandstone Removal strip mine in Milford Township, **Somerset County**, affecting 96.8 acres, receiving stream unnamed tributaries to South Glade Creek and to South Glade Creek. Application received September 2, 1999.

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

03960105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application received to revise permit to allow for the construction of a passive treatment system within the 100 foot stream barrier of an unnamed tributary to Huskins Run, as well as to conduct surface mining activities within 100 feet of a township road, at a bituminous surface/auger mining site located in Cowanshannock Township, **Armstrong County**, affecting 501.0 acres. Receiving streams: unnamed tributaries to Huskins Run and Huskins Run. Application received: August 30, 1999.

63990103. Twilight Industries (A Division of US Natural Resources, 212 State Street, Belle Vernon, PA 15012). Application received for commencement, operation and reclamation of a bituminous surface mine located in Somerset Township, **Washington County**, proposed to affect 287.1 acres. Receiving streams: unnamed tributaries to Center Branch of Pigeon Creek, Center Branch of Pigeon Creek, Pigeon Creek, Monongahela River. Application received: August 26, 1999.

03990106. Thomas J. Smith, Inc. (R. R. 1, Box 260-D, Shelocta, PA 15774). Application received for commencement, operation and reclamation of a bituminous surface mine located in Washington Township, **Armstrong County**, proposed to affect 94.1 acres. Receiving streams: unnamed tributaries to Huling Run and Huling Run to Allegheny River. Application received: August 31, 1999.

63990102. Robinson Coal Company (200 Neville Road, Neville Island, PA 15225). Application received for commencement, operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, proposed to affect 273.5 acres. Receiving streams: unnamed tributaries to Robinson Run to Robinson Run to Chartiers Creek to the Ohio River and Robinson Run to Chartiers Creek to the Ohio River. Application received: September 1, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

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

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

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

E15-625. Encroachment. East Bradford Township, 666 Copeland School Rd., West Chester, PA 19380-1822. To perform minor grading, construct and maintain a stone walking trail system, and associated parking and restroom facilities within the 100-year floodplain of the Brandywine Creek (WWF-MF). This work is associated with the proposed River Park located just south of the intersection of Bridge Road (S. R. 0842) and Brandywine Creek Road (Unionville USGS Quadrangle N: 8.2 inches; W: 2.8 inches) in East Bradford Township, **Chester County**.

E15-626. Encroachment. Downingtown Borough, Municipal Government Ctr., 4—10 W. Lancaster Ave., Downingtown, PA 19335-2800. To perform minor grading, construct and maintain a bituminous walking trail system within the 100-year floodplain of the Brandywine Creek (WWF-MF). This work is associated with the proposed Brandywine Trail located in the vicinity of the intersection of Lancaster Avenue (S. R. 3070) and

Brandywine Creek (Downingtown USGS Quadrangle N: 0.9 inch; W: 11.0 inches) in Downingtown Borough, **Chester County**.

E23-389. Encroachment. Jerry Holtz, Provo Partners, 121 Baltimore Pike, Springfield, PA 19064. To remove an existing stream enclosure and to construct, realign and maintain approximately 273 linear feet of 52-inch × 114-inch stream enclosure in and along the Muckinipattis Creek for the purpose of constructing a single retail store. This site is located on the southside of Baltimore Pike, between Homestead Avenue and North Avenue (Lansdowne, PA Quadrangle N: 8.5 inches; W: 9.00 inches) in Springfield Township, **Delaware County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E40-530. Encroachment. William P. Dauksis, R. R. 1, Box 249, Dallas, PA 18612. To modify and maintain an existing private boat dock by constructing an additional 300 s. f. section for two boat slips along the southern shore of Harveys Lake (HQ-CWF). The existing dock extends 49 feet from the shore and is located at Pole 305 1/2, approximately 0.5 mile west of the intersection of S. R. 1020 and S. R. 0415 (Harveys Lake, PA Quadrangle N: 18.7 inches; W: 5.1 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

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

E29-074. Encroachment. Sandra Vosburg, R. D. 2, Box 169, McConnellsburg, PA 17233. To fill in 0.0027 acre of de minimis wetland for parking space purposes located on the north side of T-381 about 600 feet east of the US 522 and T-381 intersection (Meadow Grounds, PA Quadrangle N: 5.25 inches; W: 1.5 inches) in Ayr Township, **Fulton County**.

E36-681. Encroachment. Lloyd Lapp, 1472 Stevens St., Manheim, PA 17545. To excavate within two tributary channels of the Conestoga River (WWF) for construction of a nonjurisdictional dam for irrigation of nursery plants on the Lapp Farm located along the south side of Stevens Street (Lancaster, PA Quadrangle N: 18.1 inches; W: 16.6 inches) in East Hempfield Township, **Lancaster County**.

E67-673. Encroachment. James Hogg, 258 Kirstaln, Dallastown, PA 17313. To place fill in 0.08 acre of wetlands and to relocate approximately 520 linear feet of an unnamed tributary to East Branch Codorus Creek (HQ-CWF) to construct an off-stream 0.7 acre farm pond located west of White Oak Road between Sawmill and Hara Roads (Glen Rock, PA Quadrangle N: 11.25 inches; W: 4.75 inches) in Shrewsbury Township, **York County**.

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

E14-452. Encroachment. Orviston Water Association, P. O. Box 639, Orviston, PA 16864. To remove an existing waterline and to install, operate and maintain a public water supply line beneath Hayes Run (Exceptional Value) and Beech Creek (Cold Water Fishery) for the distribution of potable water. The waterline crossing shall be constructed with 6-inch diameter PVC pipe, encased in concrete, at a minimum depth of 3-feet beneath the existing streambed elevation. The waterline crossing beneath Hayes Run shall be constructed in dry work

conditions through the use of a flume or pumping water around the work area. The project will not impact wetlands while cumulatively impacting 70-feet of waterway. The project is located along the northern right-of-way of SR 0364 approximately 30-feet west of the western terminus of SR 0364 (Snow Shoe SE, PA Quadrangle N: 19.0 inches; W: 0.5 inch) in Curtin Township, **Centre County**.

E14-355. Encroachment. **David Nevins**, P. O. Box 10414, St. College, PA 16805. To construct and maintain 50 feet of an 18-inch corrugated metal culvert pipe, 750.0 feet of stream relocation, and an outfall pipe discharging to an unnamed tributary to Buffalo Run located 2 miles west on Rt. 550 from the intersection with Rt. 322, turn right at the intersection of Rt. 550 and Julian Pike Road (Julian, PA Quadrangle N: 16 inches; W: 7.5 inches) in Patton Township, **Centre County**. This project proposes to impact 750 linear feet of an unnamed tributary to Buffalo Run which is designated a high quality cold water fishery and does not propose to impact any wetlands.

E41-425. Encroachment. **Gary Metzger and Joan Sattler**, 1185 Kaiser Hollow Road, Montoursville, PA 17754. To construct, operate and maintain a low flow crossing an unnamed tributary to Loyalsock Creek (Trout Stocking Fishery); and to place and maintain fill in 0.086 acre of wetland associated to the unnamed tributary for access to a private, single dwelling. The low flow crossing shall be constructed with a single corrugated metal pipe that will have a minimum diameter of 6 feet, a minimum length of 15 feet and a minimum depth of 0.5 feet submerged into the streambed. The maximum amount of fill to be maintained over the culvert pipe shall be 2 feet. The project will impact 75 feet of waterway and permanently impact 0.086 acre of wetland. The project is located along the eastern right-of-way of SR 0087 approximately 1.2 miles east of the intersection of SR 0087 and Kaiser Hollow Road (Montoursville, PA Quadrangle N: 14.1 inches; W: 1.9 inches) in Upper Fairfield Township, **Lycoming County**. The permittee shall provide for 0.086 acre of wetland replacement by making a monetary contribution to the National Fish and Wildlife Foundation, Pennsylvania Wetland Replacement Project, ID No. 95-096.

E57-086. Encroachment. **Fishing Creek Watershed Association**, 702 Sawmill Road—Suite 204, Bloomsburg, PA 17815. To construct, operate and maintain a limestone diversion well system in and along East Branch Fishing Creek (High Quality-Cold Water Fishery) for the abatement of acid precipitation. The abatement system shall consist of a 12-inch diameter intake structure in the channel, a 12-inch diameter water supply line within the floodway, and two diversion wells with limestone supply hoppers also in the floodway. The water intake shall be constructed in dry work conditions through the use of a flume or pumping water around the work area. The project will not impact wetlands while impacting 20 feet of waterway. The project is located along the northern right-of-way of S. R. 0118 approximately 2.3 miles north of the intersection of S. R. 4049 and T-725 (Red Rock, PA Quadrangle N: 12.7 inches; W: 12.9 inches) in Davidson Township, **Sullivan County**.

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

E03-383. Encroachment. **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201. To construct and maintain a 280.0 foot long concrete arch culvert having a normal span of 12.0 feet and an underclearance of 4.0 feet in an un-

named tributary to Nicholson Run (WWF) and a 250.0 foot long concrete arch culvert having a normal span of 16.0 feet and an underclearance of 5.0 feet in an unnamed tributary to Nicholson Run (WWF) for the purpose of providing access to proposed Slate Lick mixed-use park. The project is located off of Boyd Road (Kittanning, PA Quadrangle N: 1.2 inches; W: 16.6 inches) in South Buffalo Township, **Armstrong County**.

E03-384. Encroachment. **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201. To remove the existing structure and to construct and maintain a 165.0 foot long 20.0 foot by 8.0 foot concrete arch culvert in Nicholson Run (WWF) for the purpose of providing access to proposed Slate Lick mixed-use park. The project is located on Bable Road, approximately 3,000 feet downstream of the point where S. R. 3006 crosses Nicholson Run (Kittanning, PA Quadrangle N: 1.5 inches; W: 15.6 inches) in North Buffalo Township, **Armstrong County**.

E03-386. Encroachment. **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201. To place and maintain fill in 1.13 acre of PEM, 0.32 acre of PSS and 0.01 acre of POW wetlands for the purpose of developing proposed Slate Lick mixed-use park. To compensate for wetland loss, the applicant proposes the construction of 1.83 acres of replacement wetlands. The project is located off of Boyd Road (Kittanning, PA Quadrangle N: 1.5 inches; W: 15.6 inches) in North and South Buffalo Townships, **Armstrong County**.

E02-1285. Encroachment. **Waterfront Partners LLC**, 150 East Broad Street, Columbus, OH 43215. To construct and maintain floating boat docks in the channel of and along the left bank of the Monongahela River (WWF) for the purpose of constructing the Waterfront Marina located just downstream and approximately 3,000 feet upstream from the Homestead Bridge (Pittsburgh East, PA Quadrangle N: 7.0 inches; W: 4.0 inches) in West Homestead, Homestead and Munhall Boroughs, **Allegheny County**.

E02-1286. Encroachment. **K.A.F.M., Incorporated**, 141 Valleyview Drive, Library, PA 15129. To construct and maintain an entertainment complex, a boat launching ramp and a boat dock facility in the channel of and along the right bank of the Monongahela River (WWF) located approximately 6,000 feet upstream from the Monongahela City Bridge (Monongahela, PA Quadrangle N: 12.9 inches; W: 3.8 inches) in Forward Township, **Allegheny County**.

E32-408. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To remove the existing bridge and to construct and maintain a dual span bridge having two normal spans of 86.8 feet each and a minimum underclearance of 19.5 feet over Mahoning Creek (WWF). The applicant also proposes the construction and maintenance of a temporary crossing consisting of five 84-inch diameter pipes in Mahoning Creek and the placement and maintenance of fill within 0.131 acre of wetlands (0.01 PEM, 0.03 PSS, and 0.091 PFO) for the purpose of widening the bridge approaches. The project is located on S. R. 4026 at its intersection with Township Road 371 (Dayton, PA Quadrangle N: 3.8 inches; W: 9.8 inches) in West Mahoning Township, **Indiana County**. To compensate for wetland loss, the applicant will create 0.131 acre of wetlands on an adjacent area.

WATER ALLOCATIONS

Application filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

Southcentral Regional Office: Water Supply Management Program, Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. WA 28-518C. Water Allocations, **Mont Alto Water Authority, Franklin County.** *Responsible Official:* P. E. Nunemaker, P. O. Box 427, Mont Alto, PA 17237-0427. Request to increase withdrawal from 50,000 gallons per day to 135,000 gallons per day from pearl of the Park Spring. *Consulting Engineer:* Walter A. Mulewich, Design Engineer, Nassaux-Hemsley Inc., 56 North Second Street, Chambersburg, PA 17201-1820. Application received: August 18, 1999.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	16		24	32
Percent Removal	89.25			
CBOD ₂₀ (lbs./day)	365			

Other Requirements:

Continue to monitor influent and effluent for BOD₅

The EPA waiver is not in effect.

NPDES Permit No. PA0036234. Industrial waste. **Union Oil of California (UNOCAL)**, 2300 Barrington Road, Hoffman Estates, IL 60195, is authorized to discharge from a facility located at Ashland Chemical Company, 201 Colwell Lane, Conshohocken, PA 19428, in the Borough of Conshohocken, **Montgomery County** to receiving waters named Plymouth Creek.

NPDES Permit No. PA0056260. Sewage. **Kathleen J. Smith**, 2815 Rickerts Road, Dublin, PA 18917, is authorized to discharge from a facility located at Hilltown Township, **Bucks County** into an unnamed tributary to Morris Run.

NPDES Permit No. PA0051756. Sewage. **State Farm Mutual Automobile Insurance Company**, One

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

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

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

NPDES Permit No. PA 0028380. Sewage, **Tinicum Township Sewage Authority**, 125 Chippewa Street, Lester, PA 19029.

The following notice reflects changes to the notice published in the April 15, 1995, *Pennsylvania Bulletin*: the proposed Amendment No. 5 will allow the permittee use CBOD₅ for mass, concentration and percent removal reporting in lieu of BOD₅.

The CBOD₅ and CBOD₂₀ effluent limits, based on a flow of 1.4 mgd are as follows:

State Farm Drive, Concordville, PA 19331, is authorized to discharge from a facility located in Concord Township, **Chester County** to an unnamed tributary to West Branch Chester Creek.

WQM Permit No. 1599403. Sewerage. **Kennett Square Borough**, P. O. Box 5, Kennett Square, PA 19348. Approval for the construction and operation to upgrade and expand to serve their wastewater treatment plant located in Kennett Square Borough, **Chester County**.

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

Permit No. 3997407. Washington Township, P. O. Box 27, Slatedale, PA 18079-0027. Permit to construct and operate an interceptor sewer, collector sewer and pump station to serve the Village of Emerald and Slatedale, located in Washington Township, **Lehigh County**.

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

Permit No. PA 0021849. Sewerage. Millerstown Borough Municipal Authority, P. O. Box 200, Millerstown, PA 17062, is authorized to discharge from a facility located in Greenwood Township, **Perry County** to the receiving waters named Juniata River.

Permit No. PA 0085511. Sewerage. West Hanover Township Water & Sewer Authority (West Hanover Township WWTP), 7901 Jonestown Road, Harrisburg, PA 17112, is authorized to discharge from a facility located in West Hanover Township, **Dauphin County** to the receiving waters named Manada Creek.

Permit No. PA 0021075. Sewerage. Myerstown Borough, 101 East Washington Avenue, Myerstown, PA 17067, is authorized to discharge from a facility located in Jackson Township, **Lebanon County** to the receiving waters named Tulpehocken Creek.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES

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

WQM Permit No. 3286201-T1-A1. Industrial, Franklin Brine Treatment Corporation, 400 Fairway Drive, Suite 400, Coraopolis, PA 15108. Applicant has been granted permission to upgrade existing equipment and to modify operating procedures at a wastewater treatment plant used to treat oil and gas well production fluids and drilling fluids, with the discharge of treated effluent to Blacklick Creek.

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and Other General Permits

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

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

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

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

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

*List of
General Permit Type*

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater 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

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Abington Township Montgomery County	PAR10-T552	Abington School District 970 Highland Avenue, Abington, PA	Unnamed Tributary to Tacony Creek	Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Worcester Township Montgomery County	PAR10-T557	T-Squared Realty 5 Apollo Road, Box 368 Plymouth Meeting, PA 19462	Unnamed Tributary to Stoney Creek	Suite 6010, Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Montour County Liberty Township	PAR104721	Frederick and Sherry Todd 308 Tunnel Rd. Asbury, NJ 08802	Unt. Chillisquaque Creek	Soils and Waterways Sect. 208 W. 3rd St., Suite 101 Williamsport, PA 17701 (570) 327-3574
Butler County Summit Township	PAR10E105	McGrady Development Pat McGrady 203 McGrady Road Fenelton, PA 16034	Bonnie Brook/ Connoquenessing Creek	Butler Conservation District 122 McCune Drive Butler, PA 16001-65001 (724) 284-5270
Mercer County Jefferson and Lackawannock Townships	PAR104342	William R. Linzenbold Forrest Brook Mobile Home Park 1871 Mary Jude Court Hermitage, PA 16148	McCullough Run	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Mercer County City of Hermitage	PAR104343	Sharon Retirement Resident Limited Partnership Columbia Pacific Independent Living Center 3131 Elliott Avenue Ste. 500 Seattle, WA 98121	Pine Run	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242

General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Schuylkill County West Penn Township	PAR702217	Dosch-King Emulsions, Inc. 16 Troy Hills Road Whippany, NJ 07981	Unnamed tributary of Lizard Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Westmoreland County Penn Township	PAR116119	Leybold Vacuum Products, Inc. 5700 Mellon Road Export, PA 15632	UNT to Turtle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County South Fayette Township	PAR206104	Ionics, Incorporated Bridgeville Division 3039 Washington Pike P. O. Box 99 Bridgeville, PA 15017-1403	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Pine Township	PAR606145	Kenneth Cole 11490 Perry Highway Wexford, PA 15090	UNT to Pine Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-5

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Delaware County Chadds Ford	PAG050010	Sunoco, Inc. (R&M) 1801 Market Street 13 Ten Penn Center Philadelphia, PA 19103-1699	West Branch of Chester Creek	Southeast Region Water Management (610) 832-6130

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

Permit No. 4899503. Public water supply. **Ashland Specialty Chemical Company**, 400 Island Park Road, Easton, PA 18042. This proposal involves the installation of an air stripper to remove VOCs from the well water from the two sources of supply. It is located in Glendon Borough, **Northampton County**. Construction permit issued on August 3, 1999.

Permit No. 5298504. Public water supply. **Oak Manor Estates**, Dingman Township, **Pike County**. This proposal involves improvements to an existing unpermitted community water system. The system consists of a well with disinfection, pH adjustment and two 2,500 gallon pressure tanks and booster pumps. Construction permit issued on August 10, 1999.

Operations Permit issued to **Lake Lehman School District (Middle School)**, located in Lehman Township, **Luzerne County** on August 18, 1999.

Operations Permit issued to **Meadowbrook Mobile Home Park**, located in Washington Township, **Northampton County** on August 19, 1999.

Operations Permit issued to **Woodlyn Residences**, located in Cherry Ridge Township, **Wayne County** on August 13, 1999.

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 0799501. Public water supply, **Duncansville Municipal Authority**, Duncansville/Allegheny, **Blair County**. *Responsible Official:* James Grove, superintendent, Borough of Duncansville, P. O. Box 308, Duncansville, PA 16635-1349. *Type of Facility:* Construction permit issued for installation of a chemical feed

system at the water treatment plant. System will feed Aqua Mag to reduce calcium scale. *Consulting Engineer:* Stuart W. Sibold, PE, The EADS Group Inc., 1126 Eighth Avenue, Altoona, PA 16602. *Permit to construct issued:* August 26, 1999.

HAZARDOUS SITES CLEANUP**Under the Act of October 18, 1988****Proposed Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act****North Penn Area 1 Superfund Site
Souderton Borough, Montgomery County**

The Department of Environmental Protection (Department), under the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA) and the Comprehensive Environmental Response Compensation, and Liability Act (42 U.S.C.A. § 9601 et seq.), has entered into a settlement with the Estate of Harry M. Maurer for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the North Penn 1 Area Superfund Site (site). This site is located in Souderton, Montgomery County, PA and is one of 12 sites associated with contamination detected in the North Penn Water Authority Wells (No. NP1-NP12).

Between 1953 and approximately 1983, Gentle Cleaners, a dry cleaning business owned by Harry M. Maurer, operated on the site and generated, owned and possessed hazardous substances. Tetrachloroethene (PCE), 1,1,1-trichloroethane and other volatile organic compounds have contaminated groundwater, soil and sediments on the site. These conditions constituted a release and threatened release of hazardous substances on the site. In response, the Department and the United States Environmental Protection Agency have undertaken response actions to remediate contamination on the site.

Based on the available assets of the Estate of Harry Maurer, the Department and the Estate have agreed to enter an inability to pay settlement in which the estate shall reimburse the Department in the amount of \$3,000 for response costs incurred at the site.

This notice is provided under section 1113 of HSCA, which provides that "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Order and Agreement, which contains the specific terms of the settlement, is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located in Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428, by contacting either April Flipse, at (610) 832-5937 or Gina M. Thomas, at (610) 832-6300. A public comment period on the Consent Order and Agreement will extend for 60 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Persons may submit written comments regarding the agreement by November 17, 1999, by submitting them to April Flipse at the previous address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

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

The Department has received the following final reports:

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

PAEDCO Property (Former Phoenix Steel Foundry Building Site), Phoenixville Borough, Chester County. Gerald L. Kirkpatrick, P.G., Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482-0810, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

Clinton Garage, City of Philadelphia, Philadelphia County. David Stockar, P.G., Versar, Inc., 1900 Frost

Road, Suite 110, Bristol, PA 19007, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Cimeo Tract, Sadsbury Township, Chester County. Steven L. Tanen, P.G., HydroScience, Inc., Center City Executive Centre, 607 Washington Street, Reading, PA 19601, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals. The report is intended to document remediation of the site to meet the Statewide health and background standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has acted upon the following plans and reports:

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

South Whit Shopping Center Associates, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site groundwater contaminated with heavy metals, solvents and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on August 30, 1999.

Weisser Residence, Bristol Borough, **Bucks County**. Andrew C. Thomas, P.G., Brown Environmental Services Corp., 42 Sequoia Drive, Newtown, PA 18940, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on August 20, 1999.

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

Conrail South Altoona Material Distribution Center, Parcel 1, Lot Numbers 2, 3, 4 and 5, City of Altoona, **Blair County**. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601, has submitted baseline environmental reports concerning the remediation of site soils contaminated with lead, solvents and asbestos and groundwater contaminated with lead, solvents and chromium. These reports are approved by the Department on September 1, 1999. This site is being remediated as a special industrial area.

Conrail South Altoona Material Distribution Center, Parcel 2, Lot Number 6, City of Altoona, **Blair County**. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601, has submitted a baseline environmental report concerning the remediation of site soils contaminated with lead, solvents and asbestos and groundwater contaminated with lead, solvents and chromium. This report was approved by the Department on September 1, 1999. This site is being remediated as a special industrial area.

Charles and Cindy Stoudt Residence, Swatara Township, **Lebanon County**. Charles and Cindy Stoudt, 407 South Lancaster Street, Lebanon, PA 17046, has submitted a final report within 90 days of a spill concerning the remediation of site soils contaminated with BTEX, PHCs and PAHs. The final report did not demonstrate attainment of the Statewide health standard, and was disapproved by the Department on September 2, 1999.

SOLID AND HAZARDOUS WASTE

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Registration issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste management regulations for a general permit for the processing of infectious waste or chemotherapeutic waste.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Registration No. WMGI007R002. Holy Redeemer Health System, 1648 Huntington Pike, Meadowbrook, PA 19046. Registration to operate under General Permit WMGI007 for the processing of infectious waste using sodium hypochlorite and low pressure steam in a modular treatment unit. The registration was approved in the Central Office on August 23, 1999.

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.

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

GP1-67-03073: IMO Corp., Fincor Electronics Division (3750 East Market Street, York, PA 17402), for use of a general permit for operation of a natural gas-fired boiler in Springettsbury Township, **York County**.

GP4-06-3108: Hub Fabricating Co. (100 Gibraltar Road, Reading, PA 19606), for use of a general permit for operation of a burn off oven in Exeter Township, **Berks County**.

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

GP-43-313: TRM Support Inc. (110 North Main Street) on August 31, 1999, for operation of jet fuel storage tank at Greenville Regional Hospital in Greenville, **Mercer 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.

TVOP-15-00040: Beckett Corp. (219 Welsh Pool Road, Lionville, PA 19341), for operation of a Facility Title V Operating Permit in Uwchlan Township, **Chester County**.

TVOP-46-00070: Finnaren & Haley, Inc. (901 Washington Street, Conshohocken, PA 19428), for operation of a Facility Title V Operating Permit in Whitmarsh Township, **Montgomery County**.

TVOP-46-00067: MM SKB Energy LLC (709 Swedeland Road, King of Prussia, PA 19406), for operation of a Facility Title V Operating Permit in Upper Merion Township, **Montgomery County**.

TVOP-15-00043: Sunoco, Inc. (R&M) (Lincoln Highway and Malin Road, Malvern, PA 19355), for operation of a Facility Title V Operating Permit in East Whiteland Township, **Chester County**.

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

06-313-004E: IFS Industries, Inc. (P. O. Box 1053, Reading, PA 19603), on September 3, 1999, for operation of blending and mixing operations, adhesive manufacturing and two fabric collectors at the Reading Plant in Reading, **Berks County**.

36-316-031B: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519), on August 30, 1999, for operation of a wood working operation controlled by a fabric collector in East Earl Township, **Lancaster County**.

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

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

OP-46-0011: Lukens Steel Co. (Conshohocken Road, Conshohocken, PA 19428), on August 31, 1999, for Facility VOC/NOX RACT in Plymouth 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.

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

PA-46-0077B: Harvard Industries, Inc. (400 Old Reading Pike, Stowe, PA 19464), on August 31, 1999, for operation of a stack melter aluminum furnace in West Pottsgrove Township, **Montgomery County**.

PA-09-0112: Superior Woodcraft, Inc. (160 North Hamilton Street, Doylestown, PA 18901), on August 31, 1999, for operation of three surface coating (wood cabinet) in Doylestown Borough, **Bucks County**.

PA-46-0077C: Harvard Industries, Inc. (400 Old Reading Pike, Stowe, PA 19464), on September 1, 1999, for operation of an aluminum reverberatory furnace in West Pottsgrove Township, **Montgomery County**.

PA-23-0004: American Ref-Fuel Co. of DV, L. P. (10 Highland Avenue, Chester, PA 19013), for operation of a mass burn resource recovery facility in the City of Chester, **Delaware County**.

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

13-318-004: Haulmark Industries, Inc. (P. O. Box 8, McAdoo, PA 18237), on September 1, 1999, for construction of a spray booth in Bank Township, **Carbon County**.

13-399-006: Kovatvh Mobile Equipment Corp. (One Industrial Complex, Nesquehoning, PA 18240), on September 1, 1999, for construction of spray booths and painting lines in Nesquehoning Borough, **Carbon County**.

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

01-310-050A: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809), on September 3, 1999, for construction of a Hewitt Robbins 6 × 16, double deck screen controlled by wet suppression at the Fairfield Quarry in Hamiltonban Township, **Adams County**.

38-03010A: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105), on August 30, 1999, for modification of a stone crushing plant controlled by wet suppression

located in South Lebanon Township, **Lebanon County**. This source is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

PA-28-03026A: Gish Logging, Inc. (P. O. Box 282, Fort Loudon, PA 17224), on August 31, 1999, for construction of a 250 HP wood-fired boiler controlled by a mechanical collector in Metal Township, **Franklin County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

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

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

09-318-077: Hi-Line Storage Systems Co. (Ridge and Rockhill Roads, Perkasio, PA 18944), on August 30, 1999, for operation of surface coating spray booths in East Rockhill Township, **Bucks County**.

PA-46-0025B: Lonza, Inc. (900 River Road, Conshohocken, PA 19428), on August 30, 1999, for operation of a hydrogenation reactor train in Upper Merion Township, **Montgomery County**.

PA-46-0025A: Lonza, Inc. (900 River Road, Conshohocken, PA 19428), on May 17, 1999, for operation of four prescrubbers in Upper Merion Township, **Montgomery County**.

PA-09-0046A: RJM Mfg., Inc. (250 Canal Road, Fairless Hills, PA 19030), on May 3, 1999, for operation of a surface coater line no. 3 in Falls Township, **Bucks County**.

PA-46-0078: BKL, Inc. (421 Feheley Drive, King of Prussia, PA 19406), on September 1, 1999, for operation of two screen printing presses/two coating in Upper Merion Township, **Montgomery County**.

PA-46-0018: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041), on September 1, 1999, for operation of a web offset/heat set printing press in Upper Hanover Township, **Montgomery County**.

PA-15-0026: American Inks & Coatings Corp. (Pawlings Road, Schuylkill, PA 19460), on September 2, 1999, for operation of a specialty clear coat manufacturing in Schuylkill Township, **Chester County**.

PA-46-0005: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486), on September 2, 1999, for operation of a Facility VOCs/NOx RACT in Upper Gwynedd Township, **Montgomery County**.

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

36-317-184B: Pepperidge Farm, Inc. (2195 North Reading Road, Denver, PA 17516), on August 21, 1999, to authorize temporary operation of a bread oven and cracker lines covered under this Plan Approval until December 18, 1999, at the Denver Bakery in East Cocalico Township, **Lancaster County**.

38-301-022A: Department of Veterans Affairs, Lebanon V.A. Medical Center (1700 South Lincoln Avenue, Lebanon, PA 17042), on July 17, 1999, to authorize temporary operation of an anthracite coal fired

atmospheric fluidized bed combustion system for hospital waste covered under this Plan Approval until November 13, 1999, in South Lebanon Township, **Lebanon County**.

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

PA-42-182A: Allegheny Store Fixtures, Inc. (500 Chestnut Street, P. O. Box 61, Bradford, PA 16701), on July 30, 1999, for surface coating in Bradford Township, **McKean County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Permits Issued

56890102. Permit Renewal for reclamation only, **Svonavec, Inc.** (150 West Union Street, Suite 201, Somerset, PA 15501), for continued restoration of a bituminous strip mine in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres, receiving stream unnamed tributaries to Casselman River and Casselman River. Application received May 10, 1999; issued August 31, 1999.

32823070. Permit Revision, **John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711), requesting approval for a land usage of pastureland rather than forestland usage in Banks and Canoe Townships, **Indiana County**, affecting 470.7 acres, receiving streams two unnamed tributaries to Canoe Creek. Application received May 7, 1999; issued September 2, 1999.

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

65950107. Ralph Smith & Son, Inc. (200 Second Street, Derry, PA 15627). Permit revised to change the land use from forestland to pastureland at a bituminous surface mine located in Loyalhanna and Bell Townships, **Westmoreland County**, affecting 97.7 acres. Application received: May 7, 1999. Revision issued: August 31, 1999.

03890107. McKay Coal Co., Inc. (R. D. 2, Templeton, PA 16259). Renewal issued for reclamation only of a bituminous surface mine located in Mahoning and Redbank Townships, **Armstrong County**, affecting 279.5 acres. Receiving streams: unnamed tributaries of Cathcart Run. Application received: June 2, 1999. Renewal issued: August 27, 1999.

30940102. Shafer Brothers Construction, Inc. (668 Lower Hildebrand Road, Morgantown, WV 26505). Permit

transfer issued for continued operation and reclamation of a bituminous surface mine formerly operated by Patriot Mining Company, Inc., in Greene Township, **Greene County**, affecting 17 acres. Receiving streams: unnamed tributary to Whiteley Creek. Application received: November 10, 1998. Transfer issued: September 1, 1999.

65940106. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for continued reclamation only of a bituminous surface mine/coal crushing facility located in Derry Township, **Westmoreland County**, affecting 170 acres. Receiving streams: unnamed tributary to Miller Run. Application received: June 7, 1999. Renewal issued: September 2, 1999.

26940103. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for continued reclamation only of a bituminous surface mine/coal crushing facility located in Springfield Township, **Fayette County**, affecting 23 acres. Receiving streams: unnamed tributary to Mill Run. Application received: June 7, 1999. Renewal issued: September 2, 1999.

63980105. Kerry Coal Company (R. R. 2, Box 2139, Wampum, PA 16157). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Smith Township, **Washington County**, affecting 34.2 acres. Receiving streams: unnamed tributaries to Raccoon Creek to the Ohio River. Permit is conditionally issued based upon continued compliance with: Consent Order and Agreement executed August 30, 1999, between Kerry Coal Company and the Department; and Compliance Orders Nos. 991044, 991045, and 991046 issued to Kerry Coal Company. Application received: October 5, 1998. Permit issued: September 7, 1999.

26940105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Springfield Township, **Fayette County**, affecting 75.5 acres. Receiving streams: unnamed tributary to Indian Creek, Buck Run. Application received: June 7, 1999. Renewal issued: September 2, 1999.

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

54850104R2. Tracy Coal Co. (116 West Avenue, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 102.5 acres, receiving stream—unnamed stream to East Branch of Schuylkill River. Renewal issued August 30, 1999.

54840106R3. City of Philadelphia (21 South 12th Street, Philadelphia, PA 19107-3684), renewal of an existing anthracite surface mine operation in West Mahanoy and Butler Townships, **Schuylkill County** affecting 447.6 acres, receiving stream—none. Renewal issued August 31, 1999.

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

Noncoal Permits Issued

6075SM3C4. Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034), correction to NPDES Permit No. PA0069744 in Union Township, **Union County**, receiving stream—Winfield Creek. Correction issued September 1, 1999.

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

Small Noncoal (Industrial Mineral) Permits Issued

58990813. Gary M. Thatcher (R. D. 1, Box 195, New Milford, PA 18834), commencement, operation and restoration of a small quarry operation in New Milford Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued August 30, 1999.

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

The Department of Environmental Protection (Department) has taken the following actions on previously received 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, (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.

E09-787. Encroachment. **Bensalem Township**, 2400 Byberry Road, Bensalem, PA 19020. To improve an existing storm sewer facility by installing and maintaining an additional 501 feet of 72-inch SBPEP. This storm sewer will supplement stormwater conveyance, which is currently conveyed by an existing 60-inch storm sewer. This storm sewer conduit will converge at Junction Box No. 1 and 197 lf of new 84-inch SBPEP will outlet the system into an unnamed tributary to Poquessing Creek. R-8 riprap will be installed at the outlet end of the conduit. The site is located near the intersection of Richlieu Road and Street Road (S. R. 132) along Richlieu Road (Beverly, PA Quadrangle N: 21.4 inches; W: 12.25 inches) in Bensalem Township, **Bucks County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E09-792. Encroachment. **Country Club Plaza Associates, L. P.**, 3359 Durham Road, Doylestown, PA 18901. To disturb a total of 0.24 acre of wetland (PEM) through

filling and grading activities associated with the construction of the Country Club Plaza consisting of a commercial facility, parking area and stormwater management basin. The site is located about 1,300 feet north of the intersection of Old York Road (S. R. 0263) and Mill Road (Buckingham USGS Quadrangle N: 2.0 inches; W: 12.8 inches) in Warwick Township, **Bucks County**. The permittee is required to provide a minimum of 0.24 acre of replacement wetlands.

E46-842. Encroachment. **James Allebach**, 2151 Koffel Road, Hatfield, PA 19440. To modify, operate and maintain an existing farm pond to be used for recreational purposes with the proposed Heather Meadows residential development and Municipal Park. The proposed activities include reshaping approximately 0.18 acre of the pond and removal of accumulated sediment from within the pond. The project is located approximately 1,000 feet northeast from the intersection of West Broad Street (S. R. 463) and Koffel Road (Telford, PA Quadrangle N: 4.25 inches; W: 7.27 inches) in Hatfield Borough, **Montgomery County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-365. Encroachment. **Wedgewood Golf Course, Inc.**, 1753 Panther Valley Road, Pine Grove, PA 17963. To fill in a de minimis area of wetlands equal to 0.01 acre; to place fill within the floodway (left overbank) of a tributary to Saucon Creek for the construction of Hole No. 7; to construct and maintain a low flow golf cart crossing, consisting of a 4-foot × 1-foot, 6-inch concrete box culvert, in a tributary to Saucon Creek. The project is associated with the Wedgewood Golf Course Expansion project and is located approximately 0.4 mile south of the intersection of S. R. 2044 and S. R. 2039 (Allentown East, PA Quadrangle N: 7.5 inches; W: 7.8 inches) in Upper Saucon Township, **Lehigh County**.

E45-346. Encroachment. **Dennis T. Anschau**, R. R. 2, Box 148-A, Kunkletown, PA 18058. To remove the existing structure and to construct and maintain a private low-flow bridge spanning bank to bank having a span of 10 feet and an underclearance of 2.3 feet across Chapple Creek. The project is located along Silver Spring Road, approximately 1,300 feet northwest of the intersection of T365 and T560 (Kunkletown, PA Quadrangle N: 22.6 inches; W: 14.2 inches) in Eldred Township, **Monroe County**.

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

E36-674. Encroachment. **PA Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structurally deficient structure, construct and maintain a bridge of prestressed concrete box beams set on cast in place reinforced concrete abutments having a 60 foot clear span with a 5.92 foot underclearance over the Conowingo Creek (CWF). The permit also authorizes the placement of fill in a de minimis area of wetlands equal to 0.045 acre required for the widening of the roadway approach. The bridge is located on Nottingham Road, SR 272, Section 013, Segment 0140, Offset 1358 (Wakefield, PA Quadrangle N: 6.25 inches; W: 9.0 inches) in Fulton Township, **Lancaster County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E26-257. Encroachment. **Fayette County Commissioners**, Courthouse, 61 East Union Street, Uniontown, PA 15401. To rehabilitate, operate and maintain the existing Fayette County Bridge No. 113 having a single normal span of 26.0 feet and an underclearance of 4.5 feet across Mill Run (HQ-CWF) located on TR-597, approximately 0.75 mile west of its intersection with Route 381 South (Mil Run, PA Quadrangle N: 17.4 inches; W: 12.3 inches) in Springfield Township, **Fayette County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E65-728. Encroachment. **Robert D. Shrum, Jr.**, R. D. 1, Box 153, Latrobe, PA 15650. To rehabilitate and maintain a bridge having a clear span of 11.5 feet and an underclearance of 3.5 feet across an unnamed tributary to Ninemile Run (WWF) located on a private road approximately 300 feet east of S. R. 982, halfway between Baggaley and Lycippus. The rehabilitation consists of raising the bridge deck 1 foot and reinforcement of the existing headwalls (Mammouth, PA Quadrangle N: 21.7 inches; W: 2.7 inches) in Unity Township, **Westmoreland County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E20-479. Encroachment. **PA Department of Conservation and Natural Resources**, P. O. Box 387, Prospect, PA 16057-0387. To fill approximately 0.6 acre of Pymatuning Reservoir along the east side of the Linesville Spillway and to construct and maintain a total of approximately 1,485 feet of steel sheet pile wall to expand the existing parking and waterfowl/fish feeding area located approximately 2 miles south of the intersection of S. R. 0006 and S. R. 3011 (Linesville, PA Quadrangle N: 1.0 inch; W: 9.0 inches) located in Pine and North Shenango Townships, **Crawford County**.

STORAGE TANKS

SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permits 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 have 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>
23-41511	Tosco Refining Company Trainer Refinery 4101 Post Road Trainer, PA 19061	Delaware County Trainer Boro	AST storing gasoline 7,770,000 gallons
99-40-001	Kama Corporation P. O. Box 538 Hazleton, PA 18201-7754	Luzerne County Hazleton	4 ASTs storing Styrene Monomer 72,000 gallons each

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 1999, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Airtech Radon Services, Inc.	709 Sloop Road Pittsburgh, PA 15237	Mitigation
Richard Armstrong	1268 Laurelwood Road Pottstown, PA 19465	Testing
William Cairnes	9 Sunset Drive Auburn, PA 17922	Testing Mitigation
Bryan Cole	317 McWilliams Road Trafford, PA 15085	Testing
Peter Cook U. S. Inspect, Inc.	3975 Fair Ridge Drive, Suite 250 Fairfax, VA 22033	Laboratory
T. Thomas d'Arcy, Sr.	101 Hampstead Place West Chester, PA 19382	Testing
Raymond King	1812 Willow Street Pike Lancaster, PA 17602	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Anthony LaMastra A.B.E. Radiation Measurements Lab	1005 Old Route 22 Lenhartsville, PA 19534	Testing Laboratory
Robert Lloyd	1698 Walnut Bottom Road Newville, PA 17241	Testing
Wayne Murray	1021 Gypsy Hill Road Lancaster, PA 17602	Testing
Patrick Orr	10 Clifford Road McDonald, PA 15057	Testing
James Roe	161-B South Meadow Lane Hummelstown, PA 17036	Testing
James Stein Affordable Radon Solutions	P. O. Box 1081 State College, PA 16805	Mitigation
David Trygar	31 Spangenberg Road Lake Ariel, PA 18436	Testing

[Pa.B. Doc. No. 99-1585. Filed for public inspection September 17, 1999, 9:00 a.m.]

Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (www.dep.state.pa.us) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Final Guidance

DEP ID: 012-4180-001 Title: Policy for the Acceptance of Community Environmental Projects in Conjunction with Assessment of Civil Penalty Description: The Department will follow a Department-wide policy of considering, in appropriate situations, performance of a Community Environmental Project (CEP) when determining the amount of civil penalty it will accept as a settlement. Effective Date: September 18, 1999 Contact: Mike Bedrin at (717) 787-4449

Draft Guidance—Substantive Revision

DEP ID: 274-0300-001 Title: Continuous Source Monitoring Manual (Revision Number 7) Description: The purpose of revising this guidance is to update requirements relative to monitoring system design and performance, testing, recordkeeping, reporting, and quality assurance for affected industrial and utility sources which are required to continuously monitor emissions of pollutants or operational parameters. Deadline for Comments: October 18, 1999 Anticipated Effective Date: November 30, 1999 Contact: Joseph Nazzaro at (717) 783-9247

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1586. Filed for public inspection September 17, 1999, 9:00 a.m.]

Citizens Advisory Council to the Department of Environmental Protection; September Meeting Change

Notice is hereby given of meetings of the Citizens Advisory Council to the Department of Environmental Protection on Wednesday, September 22, 1999, and Thursday, September 23, 1999. The meetings will be held at 7 p.m. and 8 a.m., respectively, at the Eden Resort and Conference Center, 222 Eden Road, Routes 30 and 272, Lancaster, PA. The meeting previously scheduled for September 20, 1999, in Harrisburg has been cancelled.

Questions concerning these meetings or agenda items can be directed to Stephanie Mioff at (717) 787-4527.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Stephanie Mioff directly at (717) 787-4527 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Council may accommodate their needs.

JOLENE CHINCHILLI,
Chairperson

[Pa.B. Doc. No. 99-1587. Filed for public inspection September 17, 1999, 9:00 a.m.]

Coal and Clay Mine Subsidence Insurance Board

A regular meeting of the Coal and Clay Mine Subsidence Board will take place on October 8, 1999 at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to Lawrence Ruane at (717) 783-9590 or e-mail to Ruane.Lawrence@dep.state.pa.us. The agenda for this meeting will be available through the Public Participation Center on the DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lawrence Ruane directly at (717) 783-9590 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1588. Filed for public inspection September 17, 1999, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Division; Dental Steri Strips

The Department of General Services, State Surplus Property Division is seeking buyers for Dental Steri Strips and various sized latex and vinyl examination gloves.

Individuals who are interested in more information or would like to receive a bid proposal for these items, should call (717) 787-4085 or write to the Department of General Services, State Surplus Property Division, Room G-48, 2221 Forster Street, Harrisburg, PA 17125. Requests for bid packets will be accepted until the bid opening on September 30, 1999.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-1589. Filed for public inspection September 17, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Cigarette Tax Notice

Under section 227-A of the Fiscal Code (72 P. S. § 227-A) (relating to administration powers and duties), the Department hereby announces the lowest cost of the stamping agent, wholesaler, and retailer, respectively, effective upon publication of this notice, as follows:

	Premium Brands (a.k.a. Kings & Regulars)	Generic Brands
Cost of the Stamping Agent (for sales to wholesalers)	\$24.34	\$21.64
Cost of the Wholesaler (for sales to retailers)	\$25.32	\$22.51
Cost of the Retailer (for sales to retail customers)	\$26.84	\$23.86

The Department considers these costs as presumptive minimum costs. Cigarette stamping agents, wholesalers and retailers are prohibited from selling cigarettes at a price lower than their respective presumptive minimum costs. These costs are listed on a per carton basis, 10 packs of cigarettes per carton, 20 cigarettes per pack. To determine the presumptive minimum price per pack of cigarettes, one should divide the costs listed by ten and round to the nearest hundredth of a percent. For example, the presumptive minimum price of a pack of cigarettes sold by a retailer to a consumer is \$2.69 for premium brands (\$26.84/10), \$2.39 for generic brands (\$23.86/10).

Cigarette dealers who either sell cigarettes under a different packaging setup (that is, eight packs per carton) or sell cigarettes that do not qualify as premium or generic brands (that is, subgeneric, foreign or specialty cigarettes) as described above are prohibited from selling cigarettes at a price lower than the cost of the stamping agent, cost of the wholesaler or cost of the retailer, respectively, as further defined and explained in the Department's cigarette tax regulations, 61 Pa. Code, Article III.

Cigarette dealers wishing to prove a cost different from the Department's presumptive costs stated above must follow the procedures listed under 61 Pa. Code Chapter 76 (relating to unfair sales of cigarettes).

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-1590. Filed for public inspection September 17, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

District 11-0

The Department of Transportation, pursuant to the authority contained in Section 2002(c) of the Administrative Code (71 P. S. § 5129 (c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by the Independent Methodist Church, located at 1921 New Butler Road, New Castle, Pennsylvania is seeking to lease highway right-of-way located on the northerly side of State Route 0422, at the intersection of State Route 0422 and Joyce Road, New Castle, Shenango Township containing 3,600 ± square feet, for purposes of member parking. Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this applica-

tion to Raymond S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1591. Filed for public inspection September 17, 1999, 9:00 a.m.]

Application Receipt for Section 16 Program

The Department of Transportation, Bureau of Public Transportation, under the authority contained in Section 5310 of the Federal Transit Laws, 49 U.S.C.A. § 5310, gives notice that it will receive applications for the State-administered Section 16 Program. Under this program, private nonprofit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for elderly persons and persons with disabilities who cannot be reasonably accommodated by existing transportation providers. A Guidelines and Procedures package containing all application forms can be obtained by calling the Bureau of Public Transportation at (717) 787-7540. The initial filing deadline for the Program is November 1, 1999. Questions, comments or suggestions may be directed to Ben Brosius, Section 16 Program Manager, 555 Walnut Street, 8th Floor, (717) 787-7540.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1592. Filed for public inspection September 17, 1999, 9:00 a.m.]

Finding Beaver 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 remove the existing Tenth Street Bridge in the City of Beaver Falls and Borough of New Brighton, Beaver County. The existing Tenth Street Bridge has been determined eligible for the National Register of Historic Places. The effect of this project on the Tenth Street Bridge will be mitigated by the following measures to minimize harm to the resource.

1. Recordation of the Tenth Street Bridge will be conducted in accordance with state level recordation standards.
2. Expanded photographic documentation for the recordation of the bridge that will include the relationship of the bridge to the resources at both ends of the bridge.
3. All documentation will be completed and accepted by the PHMC prior to the demolition, and copies of this documentation will be made available to the PHMC and any appropriate local archives by the PHMC.

I have considered the environment, 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 removal of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1593. Filed for public inspection September 17, 1999, 9:00 a.m.]

Finding Venango 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 rehabilitate the existing Pithole Bridge, which carries S.R. 1004, Section 112 over Pithole Creek in President Township, Venango County. The existing Pithole Bridge is listed on the National Register of Historic Places. The effect of this project on the Pithole Bridge will be mitigated by the following measures to minimize harm to the resource.

1. A commitment to include photographic documentation to record the rehabilitation of the bridge. Prior to commencement of rehabilitation work, the bridge will be documented in its present condition. After rehabilitation work begins, the bridge will be documented to show the original internal construction system and to record the new internal support system. After rehabilitation work is complete, the bridge will be photographed as the final element of the photographic folio of the Pithole Bridge.
2. A newspaper or journal article will be written and published to educate the public on historic significance of the Pithole Bridge and on the rehabilitation project.

I have considered the environment, 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 rehabilitation of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1594. Filed for public inspection September 17, 1999, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Mike Siegel v. DEP and JDN Development Company, Inc., Permittee; EHB Doc. No. 99-167-L, 7-26-99 NPDES Permit

Mike Siegel has appealed the issuance by the Department of Environmental Protection of an NPDES permit to JDN Development Company, Inc. for a facility in Lower Macungie Township, Lehigh County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 99-1595. Filed for public inspection September 17, 1999, 9:00 a.m.]

Philip O'Reilly for No-Mart Coalition v. DEP and JDN Development Company, Inc., Permittee; EHB Doc. No. 99-166-L, 7-26-99 NPDES Permit

Philip O'Reilly for No-Mart Coalition has appealed the issuance by the Department of Environmental Protection of an NPDES permit to JDN Development Company, Inc. for a facility in Lower Macungie Township, Lehigh County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 99-1596. Filed for public inspection September 17, 1999, 9:00 a.m.]

**INDEPENDENT
REGULATORY REVIEW
COMMISSION**

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of

the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
6-264	Department of Education Institutional Preparation of Professional Educators (29 Pa.B. 3363 (July 3, 1999))	9/2/99	8/2/01

**Department of Education Regulation No. 6-264
Institutional Preparation of Professional Educators
September 2, 1999**

We have reviewed this proposed regulation from the Department of Education (Department) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues relating to statutory authority, reasonableness, economic impact and costs, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. *State Board of Education Approval.—Statutory Authority.*

The State Board of Education (Board) is authorized to promulgate rules and regulations governing the Commonwealth's education program, under 24 P. S. § 26-2603-B(k). Under 24 P. S. § 26-2606-B, the Department may, with Board approval, propose rules and regulations in the "areas under the control of the Board." We note that the Department submitted this proposed regulation to the Board, and the Board approved it on November 18, 1998.

It is not clear if the Department has interpreted 24 P. S. § 26-2606-B as the statutory authority to propose this regulation. If so, it should discuss the rationale for this interpretation in the Preamble when it submits the final-form version of this rulemaking. We understood that the Department will submit its final-form regulation to the Board. However, if the Department elects not to secure Board approval, it should explain why it failed to do so.

2. *Similarities between Chapter 354 and Chapter 49.—Clarity.*

There are marked similarities between a number of sections in Chapter 354 and Chapter 49 (relating to certification of professional personnel). Provisions in this proposed regulation define standards for individuals seeking professional certification, as well as requirements that must be met by units of preparing institutions.

The Department should explain why there are some individual standards for teacher certification in Chapter

354 that are not in Chapter 49. The standards are more appropriately located in Chapter 49 and cross-referenced in this rulemaking.

3. *Section 354.1. Definitions.—Clarity.*

Candidate

In certain instances, the term “candidate” refers to an individual currently enrolled in a program for the initial or advanced preparation of professional educators. In other situations, the term indicates those seeking admission to professional educator programs. For clarity, the term “candidate” should include only those currently participating in a program for initial or advanced preparation for professional educators. We suggest the Department use the term “applicant” for those individuals who are seeking admission to professional educator programs.

Educational institutions

This definition includes public and private schools, intermediate units, vocational-technical schools, colleges and universities, and private sectarian and nonsectarian schools, colleges and universities. The inclusion of each of these terms in the definition is confusing and can be misleading.

The House Education Committee (House Committee) recommends eliminating the term, and replacing it with the term “school entity,” a term common to the School Code. We agree with the Committee’s recommendation, and ask the Department to consider this change.

General standards

The term “general standards” is defined in part as “overall standards that shall be met for an institution to be approved.” There are no further details on what these overall standards are, or where they may be found. It is our understanding that these standards are contained in the Department’s program specific standards. The Department should indicate where these standards may be found and include that information in this definition.

Specific professional educator program standards

The definition includes the vague term “Department-defined competencies.” However, these competencies are not listed anywhere within the regulation. The Department should outline what these “Department-defined competencies” are and where they may be found, or delete the phrase.

Unit

This term refers to the department within a “preparing institution” responsible for the initial or advanced preparation of professional educators or the preparation of vocational instructional certificated personnel programs. It appears to be superfluous, since the definition of “preparing institution” describes essentially the same term as “unit.”

The House Committee recommends combining the two definitions under the term “preparing institution” and recommended an alternative definition. We agree with the Committee. We have not identified any requirements of the regulation that apply to a “unit” that would not also apply to the “preparing institution” and vice versa. In addition, the defined term should be used consistently throughout the regulation.

4. *Section 354.2. Purpose.—Need.*

Section 354.2 contains general concepts and undefined standards, such as “proven record of high academic achievement” and “shall maintain the highest standards of academic excellence.” We question the use of such

unspecific terms and phrases. A more appropriate Purpose section would be one that provides that this chapter establishes the standards and procedures for Department-approved institutional programs that prepare professional educators.

Subsection (b) uses the phrase “institutions of higher education that prepare professional educators.” That phrase should be deleted and replaced with the term “preparing institutions.”

5. *Section 354.11. Minimum requirements for approval.—Clarity.*

Subsection (1) provides that baccalaureate or graduate degree-granting institutions must have Department approval to conduct preparation programs. For improved clarity, the Department should include a cross-reference to the chapter and sections of the Department’s regulations that outline the approval process.

Subsection (2) provides that the institution must meet “specific professional educator program standards established by the Department.” Sections 354.25(a)(2), 354.26(c)(2) and 354.33(1) contain similar language. We understand that this language refers to the Department’s program specific standards, which are being revised and updated. For improved clarity and to facilitate compliance, there should be a citation to all applicable standards or a reference to their location.

6. *Section 354.12. Approval procedures.—Clarity.*

Subsections (a) and (d)

The proposed subsection (a) states that the Department may withdraw its approval of a preparing institution for failure to meet the minimum requirements for approval. Since this deals with what happens after the Department has completed its approval review process (and denies approval or withdraws prior approval), it should be the concluding subsection, not the first.

Since the proposed subsection (d) is the introduction to the approval process and deals with the basic requirements for securing the Department’s approval, it should be first. It provides that preparing institutions must apply to the Department for approval of new programs and changes to existing programs 90 days prior to implementation. Therefore, the order of these subsections should be reversed (that is, subsection (d) should be labeled subsection (a) and vice versa).

We also have a practical question relating to the proposed subsection (d). What happens if the Department does not respond to an institution’s application within 90 days? The regulation should cover that situation.

The subsection dealing with an institution’s loss of approval should reference the procedures the Department follows when withdrawing an institution’s approval, and the recourse available to the institution. It should also address what happens to candidates enrolled in a program that has lost its approved status. The Department should address all these issues by outlining program approval procedures and cross-referencing provisions relating to the appeal rights of institutions.

Subsection (b)

Subsection (b) states “[T]he Department may review approved preparation programs at any time.” The review process is unstructured. Therefore, we join the House Committee in requesting that the Department specify its program review procedures.

Subsection (c)

This subsection requires that evaluation teams shall consist of professional educators from basic education and "appropriate personnel from institutions of higher education." Who are these "appropriate personnel" and what will qualify them to evaluate programs? Some additional requirements or basic parameters should be provided.

The House Committee recommended that the Department show the specific composition of the evaluation teams. We do not recommend that this information be included in this regulation. However, the Department should provide a guidance document that specifies the composition of the evaluation teams.

7. Section 354.22. Field experience.—Clarity.

This section requires preparing institutions to develop sequential and developmental field experiences. Subsection (a) provides that these experiences may begin as early as the first semester of college enrollment. Subsection (b) provides that field experiences shall be an integrated part of the professional education curriculum and consistent with the overall program design. We question the need for this section given the references relating to "field experiences" in § 354.26(d), (d)(1) and (d)(2), and the requirements for "field experiences" in § 354.26(d)(3).

For clarity, the provisions of this section should be integrated into § 354.26(d). For example, § 354.22(a) could be integrated into § 354.26(d)(3), which would add the permissible beginning point to the latter subsection's "no later than" beginning point. The requirements of § 354.22(b) could be integrated into subsection 354.26(d)(2).

8. Section 354.23. Unit reporting.—Reasonableness, Economic Impact and Costs, and Clarity.

This section deals with the preparing institution's biennial reporting requirements to the Department. It provides that institutions shall submit a systematic evaluation, using information "which includes" information from the four sources described (emphasis added).

However, this section should specify what is to be evaluated and what specific information must be reported. If institutions are not collecting and reporting similar data, how will the data be evaluated and compared by the Department in any meaningful way? Of what value is it to the Department?

Subsection (a)

Subsection (a) uses the term "systematic evaluation" while subsection (b) uses the term "systemic evaluation." We presume that the correct term is "systematic." If so, the appropriate correction should be made in subsection (b). If these terms are intended to be different, that fact should be explained and clarified in the final regulation.

Subsection (a)(2) requires that data be collected from candidates, but does not specify what kinds. For clarity and to ensure uniformity in what institutions will be reporting, the final regulation should specify what data preparing institutions are to collect from candidates. In making its determinations, the Department should weigh the cost for preparing institutions to collect, process and submit the required data.

Subsection (a)(3) requires that the data be collected from "recent graduates." For purposes of reasonableness and clarity, the Department should define or specify the time frame encompassed by the term "recent" graduate.

What constitutes "other members of the professional community" in subsection (a)(4)? For improved clarity, the final-form regulation should explain that term and distinguish data in that category from the data for those in teaching positions or employed in education.

Subsection (c)

Subsection (c)(3) requires that an institution's placement rate information be supplied on "other professions, to be categorized by type of employment." What is the scope of the term "other professions?" Are candidates who have enrolled in advanced educator preparation programs included in this category? The final regulation should clarify these points to reduce ambiguity and to ensure that all institutions are reporting the same types of data.

9. Section 354.24. General studies.—Clarity.

This section is captioned "[G]eneral studies." Given its content, we question whether a more appropriate caption should be "[A]cademic achievement" or "[A]cademic preparation." For the same reason, we also question the use of the term "general studies" in subsection (b).

In subsection (a), what constitutes "experiences" in the liberal arts and sciences? This phrase should be explained or clarified in the final-form regulation. Subsection (a) also refers to "formal acceptance into a professional education program." For improved clarity, the final regulation should describe what actions or procedures constitute "formal acceptance" into the program.

10. Section 354.25. Academic competence.—Reasonableness and Clarity.

This section establishes the general standards and criteria that professional educator candidates must meet to demonstrate academic competence. Do these standards apply to those candidates who will be seeking acceptance into professional educator programs or those already admitted to, or in, a professional educator program? This aspect should be clarified in this section and in § 354.31 of the final regulation.

Subsection (a)(1)

In subsection (a)(1) (and in § 354.26(c)(1)), the scope of application and meaning of the word "experiences" are unclear. Does it mean only "field experiences" or does it also encompass other life experiences (for example, work, military, and the like)? The term "experiences" should be defined or its meaning and scope clarified.

Subsection (a)(1) requires that candidates must be able to demonstrate an understanding of, among other things, the "uses of technology." For improved clarity and relevance of application, this phrase should be amended to state that "uses of technology" should be related to promoting learning in the classroom.

Subsection (a)(3)

Many commentators have questioned the validity of requiring candidates to maintain a 3.0 GPA standard while in an approved teacher certification program. Why did the Department elect to use a 3.0 GPA standard? If it is retained, we request the Department explain its choice.

This subsection (and § 354.31(4)) provides for a phase-in of the 3.0 GPA standard, but § 354.33(4) does not. For improved clarity and internal consistency, all three provisions should provide for the same phase-in of the applicable standard.

Subsection (a)(3) of 354.25 uses the words "shall maintain a minimum grade point average in each academic discipline." If the 3.0 GPA standard is retained, for

improved clarity the word “cumulative” should be added to references to the 3.0 GPA standard.

11. *Section 354.26. Preparation program curriculum.—Clarity.*

Subsection (a)(1) requires that the preparation program’s design should “be of high quality.” How is this defined or measured? For clarity, we request that the Department explain its intent in using the phrase “high quality.”

Subsections (a) and (c)(3) use the word “students.” This word should be defined in the context of this rulemaking, or replaced by the word “applicants” or “candidates,” depending upon the section and the context.

12. *Section 354.27. Collaborative programs.—Clarity.*

Subsection (a)(2)

This section provides for the development of student teaching, internships and other field experiences. While the parameters of such relationships are defined, specific performance goals are not provided. In its comments, the House Committee stated that student teaching must be tied to specific performance objectives or standards.

We agree with the House Committee’s comments. The regulation should include or incorporate by reference performance standards as part of the student teaching component of collaborative programs designed by institutions.

Section (d) provides that the unit shall cooperate with local school entities in the development and implementation of *appropriate alternative certification programs* (emphasis added). For improved clarity, this type of program should be identified and explained (that is, what it is and where it may be found). Also, a citational reference to it should be included. If the programs are not in effect, this provision should be deleted from this rulemaking.

13. *Section 354.31. Admission.—Reasonableness, Need and Clarity.*

Section 354.31 requires a preparing institution to document that its program unit recruits, admits and retains candidates who demonstrate potential for professional success. We recommend that the Department supplement this section by providing examples of how these candidates will be recruited, and the minimum standards they must meet.

Subsection (3)(iv)

One of the criteria for admission into a teacher preparation program is “[B]iographical information.” This phrase is too vague. What biographical information must the institution consider? The Department should further clarify and expand upon this provision in the final regulation.

Subsection (4)

This subsection includes a minimum GPA *exclusive of professional education courses* (emphasis added) as a candidate requirement. The Senate Education Committee questioned why grades attained in professional education courses should not be included in benchmarks for admission. Several members of the House Committee submitted a comment recommending deletion of the exclusion of pedagogical courses from the required GPA. We request the Department explain why professional education courses would not be included in the minimum GPA for candidates.

Subsection (4)(i)—(iv)

Many commentators have questioned the validity of using the 3.0 GPA standard as an entrance requirement to an approved teacher certification program. Why did the Department elect to use a 3.0 GPA standard as the academic entrance requirement? If it is retained, we request the Department to explain its choice.

How will the required academic standard (3.0 GPA or some other standard) apply to nontraditional students (that is, those returning after a period of time away from academia or those who have not majored in Education)? As written, this rulemaking does not deal with those types of applicants and those who are completing or have completed their academic studies prior to the date of imposition of the academic standard required under this regulation.

If the Department finalizes the 3.0 GPA standard, how will it impact those students currently enrolled in initial and advanced preparation programs that are not subject to such a standard? Will candidates currently enrolled in preparation programs be “grandfathered?” We have similar concerns regarding the basis for determining the minimum Praxis I test scores, an alternative standard in subsection (4)(v). In these regards, the regulation should be clarified.

Further, there is no mention of minimum college entrance exams (SAT or ACT). We, along with the House Committee, question why the Department did not include minimum scores on the SAT or ACT tests in the program entrance requirements for an approved program.

Subsections (5) and (7)

Under these subsections, preparation programs may accept up to 10% of their candidates from individuals who do not meet the minimum GPA standard only “if exceptional circumstances justify admission.” The phrase “exceptional circumstances” is too vague. It is our understanding that the 10% requirement is intended to give institutions the flexibility to accept students that may not otherwise qualify for the program. The Department should clarify that institutions have the responsibility to draft the criteria for, or otherwise define, what each considers to be “exceptional circumstances.”

Subsection (6)

The phrase “[T]he criteria for admission to advanced programs” should be revised to read “[T]he criteria for admission to advanced *preparation* programs” (emphasis added), to be consistent with the definitions section and the rest of the regulation.

The phrase “shall include at least” denotes that admission to advanced preparation programs must be based upon all of the criteria that are specified in this subsection, as well as other requirements that may be imposed by each institution. What else is or could be included? The language of this subsection should be further clarified.

We question the reasonableness of applying the proposed 3.0 GPA requirement of subsection (6)(ii) to program applicants who completed their undergraduate academic studies at an earlier time, before this regulation imposed the minimum academic standard requirement. The Department should amend the regulation to provide whether in such cases the 3.0 GPA standard is either deleted or waived. Also, for improved clarity, the term “undergraduate applicants” should be added to this subsection.

Similarly, the requirement for faculty and professional recommendations in subsection (6)(iii) may also present problems for applicants who are not recent graduates. As a practical matter, applicants who have not attended a college or university for a number of years may not be able to obtain faculty recommendations. Therefore, the Department should amend subparagraph (iii) to provide for "faculty or professional recommendations" (emphasis added).

Subsection (8)(iv)

This subsection states that "the unit seeks to recruit, admit and retain a diverse student body." Does this phrase replicate certain Pennsylvania and Federal requirements? If this phrase replicates certain Pennsylvania and Federal requirements, why is it necessary?

14. *Section 354.32. Monitoring and assessment.—Clarity.*

We have a number of questions relating to subsection (a). First, the subsection states "[T]he unit shall develop a program that systematically monitors and assesses the progress of candidates and confirms they receive appropriate academic and professional counseling." The term "appropriate" is vague. We recommend that the Department clarify what constitutes "appropriate academic and professional counseling."

Second, what are the "performance based assessments" in subsection (a)(1)? The Department should clarify what standards will apply, or provide specific examples of performance-based assessments. The same subsection should also be amended to require instructional technical skills as one of the listed "skill dimensions." Such a provision is necessary, and is consistent with our recommendation on this same subject under § 354.25(a)(1).

Third, in subsection (a)(1)(xiii), what does the Department mean by, and how will the institution measure, a candidate's "[T]olerance for stress?" The Department should clarify, or cite specific examples of, what constitutes a tolerance for stress and what standards should apply.

Finally, in subsection (a)(1)(xiv), what are the "professional standards and practice" that the institution's unit is to establish? The Department should provide citations to where they may be found and specific examples of the professional standards and practices used to assess a candidate's progress through the program.

15. *Section 354.33. Professional competency.—Reasonableness and Clarity.*

Subsection (4) is inconsistent with the phased-in introduction of the 3.0 GPA standard described in § 354.31 (4)(i)—(iv), as we noted under Issue No. 10. It should be amended to include the same phase-in provisions.

Under subsection (4), if a candidate does not achieve a 3.0 GPA, does this mean the candidate will not qualify for a teaching certificate? This subsection should be clarified to explain the effect it will have upon those enrolled in the program prior to the effective date of this regulation, and at what point currently enrolled candidates must meet the 3.0 GPA standard.

In subsection (5), the phrases "an acceptable percentage of candidates" and "at a satisfactory level" are too vague. The Department should clarify these phrases by assigning a specific value (or a range of values) and acceptable percentages that will satisfy the State Board of Education and the Department's Secretary.

16. *Section 354.41. Faculty quality.—Clarity.*

Section 354.41 is vague. Are there minimum standards that will be required of a preparing institution's professional education faculty? If so, the Department should specify what they are or provide examples of minimum standards.

Subsection (b) states that "the unit shall provide documentation to confirm that the unit seeks to recruit, admit and retain a diverse student body." As mentioned in Issue No. 13, above, if this phrase replicates certain Pennsylvania and Federal requirements, why is it necessary?

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1597. Filed for public inspection September 17, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

York Town Manor Associates, L. P. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at The Manor at York Town, in Jamison, PA. The initial filing was received on September 30, 1999, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of June 18, 1984 (P. L. 391, No. 82) as amended. Persons wishing to comment on the grounds of public or private interest to the issuance of a certificate of authority are invited to submit a written statement to the Insurance Department within 30 days from publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557; email cbybee@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1598. Filed for public inspection September 17, 1999, 9:00 a.m.]

Application and Request for a Certificate of Authority

Livingston Mutual Insurance Company of PA has applied for a Certificate of Authority to operate as a mutual fire insurance company in Pennsylvania. The initial filing was received on September 7, 1999, and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 et seq. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Pennsylvania Insurance Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must in-

clude name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Pennsylvania Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; e-mail cbybee@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1599. Filed for public inspection September 17, 1999, 9:00 a.m.]

Application and Request for a Certificate of Authority

The Green Tree Perpetual Assurance Company has applied for a Certificate of Authority to operate as a stock fire insurance company in Pennsylvania. The initial filing was received on August 31, 1999, and was made under the requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. § 1 et seq.). Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving this Certificate of Authority are invited to submit a written statement to the Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Michael S. Graeff, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1600. Filed for public inspection September 17, 1999, 9:00 a.m.]

Deadline for Submission of Merger, Consolidation, Acquisition, Redomestication and Recapitalization Filings

Merger, consolidation, acquisition of voting stock, redomestication and recapitalization filings requiring the approval of the Insurance Commissioner as mandated by the Insurance Company Law of 1921 (40 P. S. §§ 991.1402) or the Business Corporation Law (15 Pa.C.S. § 21101 et seq.) should be submitted to the Insurance Department on or before October 1, 1999, if the filer requires approval on or before December 31, 1999. Filings made on or after October 1, 1999, cannot be guaranteed appropriate review and disposition by the Insurance Department by December 31, 1999.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1601. Filed for public inspection September 17, 1999, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Nicholas Bucciarelli; file no. 99-278-32693; American International Companies; doc. no. PH99-08-034; October 4, 1999, 2:30 p.m.;

Appeal of Monique Webb; file no. 99-267-33037; Erie Insurance Exchange; doc. no. PH99-09-002; October 4, 1999, at 3:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1602. Filed for public inspection September 17, 1999, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Governor's Office

Manual M110.1 2000-01 Budget Instructions—Dated August 1999.

Manual M315.1 Municipal Tax Rate Schedules—Revision No. 10, dated August 9, 1999.

Management Directive No. 230.14—Foreign Areas Sub-sistence Allowances, Amended July 30, 1999.

Management Directive No. 505.21—Office Hours, Amended July 30, 1999.

Administrative Circular No. 99-26—Revenue Estimates, 2000-01 Fiscal Year, Dated August 10, 1999.

Administrative Circular No. 99-27—Appropriation, Authorization, and Expenditure of Federal Funds, Dated August 10, 1999.

Administrative Circular No. 99-28—2000-01 Budget Instructions, Dated August 11, 1999.

Administrative Circular No. 99-29—Correction to the 1999 Commonwealth of Pennsylvania Telephone Directory for the Insurance Department, Dated August 16, 1999.

Administrative Circular No. 99-30—Holidays-1999, Dated August 18, 1999.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 99-1603. Filed for public inspection September 17, 1999, 9:00 a.m.]

Proposals due: October 1, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Tom Deal, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0249, Whitehall Terrace Shopping Center, 4120 Brownsville Road, Pittsburgh, PA 15227-3307.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,200 net useable square feet of new or existing retail commercial space near the intersection of Brownsville Road and PA Route 51. Site must have free, off-street parking and access for tractor trailer deliveries.

Proposals due: October 1, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Joseph Molhoek, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0255, 914 Pittsburgh Street, Springdale, PA 15144.

Lease Expiration Date: February 29, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of new or existing retail commercial space on Pittsburgh Street-Freepport Road in the Springdale-Cheswick area.

Proposals due: October 8, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-1604. Filed for public inspection September 17, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:
Clarion County, Wine & Spirits Shoppe #1604, Knox, PA 16232-0460.

Lease Expiration Date: August 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200 net useable square feet of new or existing retail commercial space serving the Knox area.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

A-00105628. Consolidated Rail Corporation. Application of Consolidated Rail Corporation, for approval of the abolition of the crossing, above grade, where the tracks of the railroad cross above Century Road and partly in the Township of Brownsville and partly in the Borough of Brownsville, all in Fayette County.

An initial hearing on this matter will be held Thursday, October 7, 1999, at 10 a.m. in an available hearing room, Pittsburgh State Office Building, 11th floor hearing room, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1605. Filed for public inspection September 17, 1999, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 12, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the right and privilege to partially discontinue/abandon operating as common carriers by motor vehicle for the transportation of household goods in use as described under each application.

A-00110235, F. 1, Am-A. Chadderton Trucking, Inc. (P. O. Box 687, Sharon, Mercer County, PA 16146), a corporation of the Commonwealth of Pennsylvania—amendment to its common carrier certificate: *So as to permit* the discontinuance of household goods in use authority which reads as follows: (1) as a Class D carrier, from those portions of the townships of Center and Potter, Beaver County, located more than 5 miles by the usually traveled highways of the limits of the borough of Bridgewater, Beaver County, to other points in the county of Beaver, and vice versa; (2) as a Class B carrier, between points in the borough of Bridgewater, Beaver County, and within 5 miles by the usually traveled highways of the limits of said borough; and (3) as a Class D carrier, from points in the borough of Bridgewater, Beaver County, and within 5 miles by the usually traveled highways of the limits of said borough, to points within 45 miles by the usually traveled highways of the limits of said borough and vice versa, provided no shipment shall be transported between points exceeding a distance of 40 miles from point of origin to point of destination; with right (3) subject to the following conditions: that no right, power or privilege is granted to transport to or from the borough of Grove City, Mercer County, and within 15 miles by the usually traveled highways of the limits of said borough, and that no right, power or privilege is granted to transport to, from or between points in Lawrence County.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00111011, F. 3, Am-A. The Rose Limousine Service, Inc. (676 Main Road, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the county of Luzerne, and from points in the said county, to points in Pennsylvania, and return: *So as to permit* the transportation of persons in limousine service, between points in the county of Columbia, and from points in the said county, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Chairperson

[Pa.B. Doc. No. 99-1606. Filed for public inspection September 17, 1999, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

The Public Official and Employee Ethics Law requires that the State Ethics Commission (Commission) hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The Commission will conduct public meetings in Room 307, Finance Building, Harrisburg, PA on September 30, 1999, beginning at 4 p.m. and on October 1, 1999, beginning at 9 a.m. for purposes of receiving input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present statements, information or other comments in relation to the Ethics Law, the regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of statements should be provided at the time of the meeting.

AUSTIN M. LEE,
Chairperson

[Pa.B. Doc. No. 99-1607. Filed for public inspection September 17, 1999, 9:00 a.m.]

TURNPIKE COMMISSION

Temporary Change in Location of the Central Administration Building

The Turnpike Commission's Central Administration Building is moving to 176 Kost Road, Carlisle, PA 17013-9779 (parcel delivery address) for approximately 18 months, and will be open for business on Monday, September 27, 1999.

Mailing address will remain the same: Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. Telephone numbers, extensions and fax numbers will also remain the same.

Directions to 176 Kost Road, Carlisle from Turnpike Exit 16 and from I-81 Exit 17: From I-81 overpass, proceed on U. S. 11 North toward Harrisburg traveling approximately 1.5 miles to the fourth traffic light at Kost Road. Turn right and travel approximately 1/2 mile. After

crossing railroad tracks, turn left into PTC Administration Building parking lot.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 99-1608. Filed for public inspection September 17, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

CW25-99 325 each—holsters, plain black, Gould & Goodrich Model HHR, for the Beretta Model 96D pistol. No substitute. To obtain a bid package contact Michael Knepp at (717) 783-5502.

Department: State Police
Location: Uniform Warehouse, 20th and Herr Streets, Harrisburg, PA 17103
Duration: June 30, 2000
Contact: Michael Knepp, (717) 783-5502

3830-09 Road material spreaders—stainless steel. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/15—01/14
Contact: General Services, (717) 787-2199/4705

0092-09 General printing 1M to 25M. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

0043-07 DCNR Magazine—State Parks. For copy of the bid package fax request to (717) 787-0725.

Department: Conservation and Natural Resources
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

0040-09 Handicapped placard. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 08/01—12/31
Contact: General Services, (717) 787-2199/4705

8250670 Motor vehicles, trailers and cycles—26 each latest model compact sedan. For copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

1152359 Prefab structures and scaffolding—2 each mobile air monitoring instrument shelter. For copy of the bid package fax request to (717) 787-0725.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

5680-02 Highway inlet boxes, grates and frames (DOT). For copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

8250660 Motor vehicles, trailers and cycles—106 each latest model Type II dump truck. For copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

0005-08 Die stamping. For copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

0810-Building Supplies Building supplies to build salt storage bins. To obtain a bid package contact Donald Crabbs at (717) 334-3155.

Department: Transportation
Location: 1185 Fairfield Road, Gettysburg, PA 17325
Duration: 90 days
Contact: Donald Crabbs, (717) 334-3155

0013-08 Pubs under 32 pages. For copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

0019-09 Employment security envelopes (L&D). For copy of the bid package fax request to (717) 787-0725.

Department: Labor and Industry
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

0036-09 Bimonthly newsletter "Winning Wire." For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

1149119 Metal bars, sheets and shapes—2,000 each angle iron, steel with unequal legs; 500 each cold roll sheet steel, size 48" x 96" x 11GA. For copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Pittsburgh, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

1154119 Textiles—45,000 feet leather, tan elk. For copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Graterford, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

1130119 Maintenance and repair shop equipment—1 each Kewaunee Model PC-15 green pea and lima bean primary cleaners for up to 15 tons/hour capacity. For copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Bellefonte, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

1146119 Textiles—20,000 yards corduroy, color Pantone No. 191321-TP, deep red brown. For copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8505010 Agricultural machinery and supplies—800 each spray tanks, high pressure, 3-gallon capacity. For copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

4110-01 Coolers, water. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

1166079 Paper and printing—4500 M H511.835 WIC automated Food Instruments continuous forms. For copy of the bid package fax request to (717) 787-0725.

Department: Health
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

4240-01 Seats, car, infants and children passenger safety seats. For copy of the bid fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

8250680 Construction, mining, excavating and highway maintenance equipment—70 each baffles, liquid tank, 2,000 gallon size kit; 14 each baffles, liquid tank, 1,000 gallon size kit. For copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8250690 Construction, mining, excavating and highway maintenance equipment—204 each electronic spreader control. For copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

8135-02 Tape, pressure sensitive adhesive masking. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

7530-04 Continuous computer stock forms. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

6675-02 Surveying and specialty engineering instruments. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

5810-05 FTP software site license. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

5810-03 Microcomputer software packages. For copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 01/01—12/31
Contact: General Services, (717) 787-2199/4705

1142119 Textiles—20,000 yards ticking, blue stripe twill. For copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 99—00
Contact: General Services, (717) 787-2199/4705

RP-674-4190 The Southeast Region of the Department of Environmental Protection wants to purchase two Exploranium GR-130 mini-spectrometers.

Department: Environmental Protection
Location: Southeast Region, 555 East North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428
Duration: Within 30 days after notice to proceed
Contact: JoAnn Ache, (610) 832-6019

SERVICES

Advertising, Public Relations—01

X7018 Provide 5,000 recycled tote bags with imprinting for the Department of Environmental Protection.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: Must be delivered by December 1, 1999
Contact: Joan Miller, (717) 787-4879

Computer Related Services—08

RFQC-1999-PSP3 The Pennsylvania State Police will be hosting Discovery Days for vendors of Laboratory Information Management Systems (LIMS) and/or Evidence Management Systems (EMS). Discovery Days will be conducted from September 20, 1999, to September 24, 1999. Scheduling for Discovery Days will be conducted on a first come first served basis. Discovery Days will consist of two 2 1/2 hour presentations per day. Morning presentations will begin at 8:30 a.m. followed by afternoon presentations beginning at 1 p.m. To reserve time slots contact Ginger Furlow, at (717) 657-4294. Please limit your group to a maximum of four company representatives. The intent of Discovery Days is to provide the Pennsylvania State Police (PSP) with the opportunity to view and understand the latest LIMS and EMS applications the market has to offer and how this technology can benefit the agency.

Department: State Police
Location: Statewide
Duration: Undetermined at this time
Contact: John D. Snyder, (717) 772-0859

Inquiry No. 015 Wish to purchase Brady/Traxx bar coding system; all applications including software package, training and additional accessories needed to utilize system. The bid price includes all shipping/handling and installation if necessary. No substitutes acceptable. May fax request for bid packet to (610) 749-3424.

Department: Public Welfare
Location: Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: September 5, 1999 to September 30, 1999
Contact: Lois Kerbacher, Purchasing Agent, (610) 740-3428

Construction and Construction Maintenance—09

015DGS502-77 Project title: Convert Patient Bed Cubicles, Hilltop East Building. Brief description: Remove existing partitions, and the like. Install new corridor walls, doors, ceilings, and the like. Modify HVAC system and sprinkler system. Renovate electrical system, fire alarm, and the like. Estimated range: \$100,000 to \$500,000. General, Mechanical and Electrical Construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, October 6, 1999, at 1 p.m.

Department: General Services
Location: Clarks Summit State Hospital, Clarks Summit, Lackawanna County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS5251-504 Project title: Window Replacement. Brief description: Replace windows at the garage, garage offices and restrooms with insulated windows. There is lead paint on existing window frames and asbestos in the caulking and glazing putty. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, October 6, 1999, at 1 p.m.

Department: General Services
Location: PennDOT Maintenance Building, West Chester, Chester County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

909649 Concrete form liners: Rental of Custom Rock No. 1203 New England Drystack 2" relief form liners. Delivery and pickup of form liners at job site. Technical support: Trained artisans to patch and/or stain the poured custom rock wall to match existing stone wall. To obtain a bid package contact K. O'Neill at (570) 253-3130.

Department: Transportation
Location: 0460, S. R. 1018 Seg 210, Bridge No. 8 over Delaware River
Duration: September 20, 1999 to May 30, 2000
Contact: K. O'Neill, (570) 253-3130

Project No. 1025 New access road: 153' x (17'6", 21'6") wide.

Department: Military Affairs
Location: PAARNG Armory, 1720 East Caracas Avenue, Hershey, PA
Duration: July 1, 1999—June 30, 2000
Contact: Emma Schroff, (717) 861-7518

050317 The Department of Transportation is soliciting bids to remove fallen rock from behind protective fencing on traffic route 924 in Schuylkill County. Also, remove protective fencing and concrete barrier to access recovery area and repair protective fencing damaged by fallen rock. All requests for bid packages can be obtained by faxing request for a bid package to Bill Bellas at (610) 798-4193 or by calling (610) 798-4190.

Department: Transportation
Location: Traffic Route 924, Segment 20 to Segment 40
Duration: One (1) year with renewal options
Contact: Bill Bellas, (610) 798-4190

Environmental Maintenance Services—15

AMD 35(2185)101.1 Rehabilitating stream channel, Keyser Avenue/Scranton, involves approximately 8,560 c. y. drainage excavation, 4,020 s. y. impervious lining (PVC), 1,028 l. f. natural lined stream channel and seeding 2.7 acres. One hundred percent (100%) is financed from Federal funds, \$21.7 million, available from Pennsylvania's 1999 AML Grant. This project will issue September 17, 1999.

Department: Environmental Protection
Location: Scranton and Taylor Borough, PA
Duration: 230 calendar days
Contact: Construction Contracts Section (717) 783-7994

Fuel Related Services—20

Natural Gas SU-99-11—Direct purchase of natural gas at Shippensburg University: Shippensburg University is seeking marketers interested in providing natural gas to the campus located in Shippensburg, PA. Marketer must be able to deliver to Penn Fuel Gas transportation gas of the quality and quantity required. Marketer is responsible for daily balancing with no penalty and shall have an operating marketing pool connected to the Texas Eastern Line. Vendors interested in obtaining a bid package must request in writing to Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257, (717) 477-1121, fax (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, PA 17257
Duration: December 1, 1999 through November 30, 2000
Contact: Deborah K. Martin, (717) 532-1121

Hazardous Material Services—21

90872015 Contractor to provide labor and equipment necessary for packaging, transportation, disposal and reporting of hazardous waste from Danville State Hospital.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: Anticipated to begin January 1, 2000—December 31, 2002
Contact: Pamela Bauman, (570) 271-4579

HVAC—22

0460-Rebid Furnish and install cast-iron oil fired boiler/burner units complete with all controls for positive automatic operation of unit up to 175,000 BTU to guarantee to be sufficient size to handle present heating requirements. Onsite visit required before bid opening.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105
Duration: October—November 1999
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

Janitorial Services—23

0810-Janitorial Service Janitorial service for District 8-1 Office, 1185 Fairfield Road, Gettysburg, PA. To obtain a bid package contact Donald Crabbs at (717) 334-3155.

Department: Transportation
Location: 1185 Fairfield Road, Gettysburg, PA 17325
Duration: November 1, 1999—October 31, 2004
Contact: Donald Crabbs, (717) 334-3155

Laboratory Services—24

2010990042 The Pennsylvania State Police will be issuing a Request for Proposal to establish a random drug testing program to include the collections of samples, testing of the samples, development of a drug testing policy manual and providing expert testimony.

Department: State Police
Location: Various locations throughout the Commonwealth
Duration: Two years with three 1 year options
Contact: Alan F. Bowman, P&S Division, (717) 772-4077

Lodging/Meeting—27

SP 91651003 Vendor to provide lodging, meeting room space, food service, training equipment and other amenities for the Bureau of State Children and Youth Programs' annual training and recognition conference. The 2 1/2 day conference is for approximately 150 staff. The conference site is to be a modern hotel/conference facility located in a nonurban area in Somerset, Centre or Carbon County. Acceptable dates for the conference would be during the months of March, April or May, 2000. Due to participant scheduling and travel arrangements, the conference days cannot include Saturdays, Sundays or Mondays. Complete details may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: OCY&F—Bureau of State Children and Youth Programs, 1401 North 7th Street, Bertolino Building, P. O. Box 2675, Harrisburg, PA 17105-2675
Duration: March 1, 2000 through May 31, 2000
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883

Medical Services—29

SP359600001 The Northwest Region of the Department of Environmental Protection requires a fixed site contractor to administer physical examinations and provide certification for Department employees. Facility shall be located within 50 miles of the regional office in downtown Meadville.

Department: Environmental Protection
Location: Within 50 miles of the Northwest Regional Office of DEP, 230 Chestnut Street, Meadville, PA 16335
Duration: November 1, 1999—June 30, 1999 with options to renew
Contact: Doug Higby, (814) 332-6816

Property Maintenance—33

Bid No. 8001 Furnish all labor, materials and equipment for removal of snow, salting and cindering from driveway and parking areas at the Indiana Station, 4221 Route 286, Highway West, Indiana, PA 15701. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Indiana Station, 4221 Route 286, Highway West, Indiana, PA 15701
Duration: November 1, 1999 to June 30, 2001
Contact: Donna Enders, (717) 783-5484

Bid No. 8002 Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Indiana Station. Four cuttings per month. Trim shrubs twice a year. Fertilization once a year. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Indiana Station, 4221 Route 286, Highway West, Indiana, PA 15701
Duration: April 1, 2000 to June 30, 2002
Contact: Donna Enders, (717) 783-5484

00677-008-99-AS-1 Interior restoration of the Crozier House at Pennsbury Manor. Partial restoration of an historic building including the following specialty trades: 1) Plaster: three coat system on wood and metal lath. 2) Cabinet and fine carpentry: window restoration and reconstruction, cabinet restoration and construction, custom moldings. 3) Wood flooring—installation and finish and refinish historic flooring. All work will conform to the Secretary of the Interior Standards for the treatment of historic properties. A site visit is suggested but not mandatory. Contact the site at (215) 946-0400 to schedule a site visit. All interested bidders should submit a request and a \$25 check (nonrefundable) made payable to PHMC for a bid package to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401 or fax (717) 783-1073. Bids will be due on Tuesday, October 5, 1999, at 11:30 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067, (215) 946-0400
Duration: November 1, 1999 to June 30, 2000
Contact: Judi Yingling, (717) 772-2401

Project No. KUC-0011.1 Kutztown University is seeking qualified general contractors for the repair/replacement of wood flooring for the Student Union Building multipurpose room and Risley Hall Basketball Court at Kutztown University. Bid packages are available for a nonrefundable fee of \$15 from: Barbara Barish, Contract Specialist, Kutztown University, Office of Planning and Construction, P. O. Box 730, Kutztown, PA 19530, (610) 683-4602. Bid packages are available September 20, 1999 through prebid. A prebid meeting is scheduled for September 30, 1999, at 10 a.m. in Room OM-26, Old Main Building. Bids will be received October 14, 1999, no later than 3 p.m. in the Office of Planning and Construction, Room 236. Bids will be opened October 14, 1999, at 3 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 27 days after notice to proceed: start no sooner than December 15, 1999
Contact: Barbara Barish, (610) 683-4602

Bid No. 8000 Furnish all labor, materials and equipment for removal of snow, salting and cinderling from driveway and parking areas at the Ephrata Station, P. O. Box 547, Ephrata, PA 17522-0547. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Ephrata Station, P. O. Box 547, Ephrata, PA 17522-0547
Duration: November 1, 1999 to June 30, 2001
Contact: Donna Enders, (717) 783-5484

1196000-009 Preventive maintenance services for five inverter systems at the State Correctional Institution at Pittsburgh. Interested vendors can call Mr. Murphy at (412) 761-1955, ext. 251.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: January 1, 2000 to December 31, 2002
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

Real Estate Services—35

373883 Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 1,607 useable square feet of new or existing office space with parking for five vehicles, in Somerset County, PA, within the Somerset Borough limits. In areas where street or public parking is not available, an additional ten parking spaces are required. The Department of Health will occupy the space. Proposals due: November 8, 1999. Solicitation No.: 92892.

Department: Health
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: John A. Hocker, (717) 787-4396

373883 Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Board of Probation and Parole with 5,443 useable square feet of new or existing office space in Blair County, PA, with parking for thirteen vehicles, within the following boundaries: within a 2 mile radius of the intersection of 6th Avenue and Union Avenue, Altoona, PA. The office must be situated within 3 blocks of a public transportation system. The PA Board of Probation and Parole will occupy the space. Proposals due: November 8, 1999. Solicitation No.: 92898.

Department: Probation and Parole Board
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: John A. Hocker, (717) 787-4396

373883 Lease Office Space to the Commonwealth of Pennsylvania, PA State Police with 8,529 useable square feet of new or existing office/barracks space, with parking for 46 vehicles, in Luzerne County, PA along US Route 11, beginning at Shickshinny Borough extending south a distance of 5 miles on US Route 11. The PA State Police will occupy the space. Proposals due: November 15, 1999. Solicitation No.: 92895.

Department: State Police
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: John A. Hocker, (717) 787-4396

373883 Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 1,783 useable square feet of new or existing office space with parking for ten vehicles, in Washington County, PA within the Washington City limits. In areas where street or public parking is not available, an additional ten parking spaces are required. The Department of Health will occupy the space. Proposals due: October 12, 1999. Solicitation No.: 92891.

Department: Health
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: John A. Hocker, (717) 787-4396

Miscellaneous—39

SP-90879005 Shoe repair.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Duration: January 1, 2000—December 31, 2004
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

00-06-1 The Department of Corrections is soliciting proposals to provide contract facility, group home treatment services for persons under the supervision of the Department of Corrections, Bureau of Community Corrections and the PA Board of Probation and Parole. Services are needed Statewide.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Up to 5 years
Contact: Suzanne Malhenzie, (717) 975-4973

SP-90879004 Appliance repairs (domestic washer/dryers/ranges/dishwashers and the like).

Department: Public Welfare
Location: Selingsgrove Center, PA
Duration: January 1, 2000—December 31, 2004
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

5252 Security screens with 12 mesh .028" diameter stainless steel wire cloth, lock and emergency release lock, standard installation scribe angels and screws: 34 size 48" x 64" and five size 49" x 64". Installation not required.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, PA 16779-0111
Duration: FY 99—00
Contact: Linda J. Zoskey, (724) 459-4547

RFP 1999-03 The Insurance Department, Underground Storage Tank Indemnification Fund is soliciting a Request for Proposal from vendors to provide underground storage tank environmental and third party claims administration services. The Request for Proposals package will be issued to interested vendors on or after September 27, 1999, and can be obtained by writing to the following address.

Department: Insurance
Location: Underground Storage Tank Indemnification Fund, 901 North 7th Street, Harrisburg, PA 17102-1414
Duration: March 1, 2000 to June 30, 2007
Contact: George W. Chapman, (717) 783-8093

00-06-2 The Department of Corrections is soliciting proposals to provide inpatient, nonhospital drug and alcohol treatment rehabilitation services for persons under the supervision of the Department of Corrections, Bureau of Community Corrections and the PA Board of Probation and Parole. Services are needed Statewide.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Up to 5 years
Contact: Suzanne Malhenzie, (717) 975-4973

CPC Project No. 99.045 Preservation and Maintenance The work of this Request for Proposal (RFP) includes, but is not limited to, the following: To provide initial precyclical preservation for 84 nonworking historic clocks from the Capitol's historic collection; to develop and annually execute a "Five (5) Year Cyclical Maintenance Plan and Schedule" for 79 historic clocks, that the Committee has already restored under a prior contract. We will include historic clocks as they are preserved under this contract, into the "Five (5) Year Cyclical Maintenance Plan." The work also includes the careful inspection and evaluation of about 100 working historic clocks that have not been preserved, and prepare a Condition Report for each clock that the contractor shall submit to the Capitol Preservation Committee for their evaluation. All interested parties are to attend a "Mandatory Preproposal Inspection" identified in the RFP.

Department: Historical and Museum Commission
Location: Capitol Preservation Committee, Room 630, Main Capitol Building, Harrisburg, PA 17120-0028
Duration: 5 years
Contact: Capitol Preservation Committee, (717) 783-6484

SU 35000 Shippensburg University is seeking FDA licensed and DEA certified vendors who are interested in bidding on a medication dispensing system for the Etter Health Center. Bid due date will be October 1, 1999 by 4 p.m. Qualified vendors interested in receiving a bid package should fax their request to Zora Frank, Purchasing Manager at (717) 532-1350 by September 27, 1999. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, PA 17257
Duration: Indeterminate 1999—2000
Contact: Zora Frank, (717) 532-1386

Inquiry No. 0016 To provide assorted sizes of white pine and 1 and 2 good sided plywood. Prices to include shipping. Will accept fax requests to (610) 740-3424, Purchasing Department.

Department: Public Welfare
Location: Allentown State Hospital, Purchasing Department, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: September to October, 1999
Contact: Lois Kerbacher, Purchasing Agent, (610) 740-3428

SU 98659GO1-1 Shippensburg University is seeking vendors interested in providing the printing of the Competency-Based Training Calendar. The bid due date is scheduled for September 27, 1999. Vendors interested in receiving a bid package should fax their request to Janet Neidigh, Purchasing Agent at (717) 477-1350, or e-mail JNEID@ship.edu. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, PA 17257
Duration: Indeterminate 1999—2000
Contact: Janet Neidigh, (717) 477-1386

LBLA 1255 Material, drapery.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: Delivery ASAP after award of bid
Contact: Arletta K. Ney, Purchasing Agent, (570) 372-5070

[Pa.B. Doc. No. 99-1609. Filed for public inspection September 17, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
9110-02	09/01/99	J. M. Adams	211,350.00
9110-02	09/01/99	Quality Aggregates/ Colona Ter- minal Ser- vices	139,837.50
9110-02	09/01/99	Rawlee Fuels, Inc.	1,878,386.00
9110-02	09/01/99	United East- ern Coal Sales Corp.	165,000.00
1073359-01	09/07/99	Rupprecht & Patashnick Co., Inc.	154,800.00
1100229-01	09/07/99	J. D. Lucas Printing Co., Inc.	44,850.05
1108159-01	09/07/99	Greg Sweet Chevrolet Buick Olds Pontiac	32,457.92
8160620-01	09/07/99	The Sherwin Williams	34,077.50
8250100-01	09/07/99	Five Star In- ternational LLC	173,162.00
8250100-02	09/07/99	Mack Trucks, Inc.	134,532.00
8250110-01	09/07/99	Five Star In- ternational LLC	182,925.00

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
8250130-01	09/07/99	Hondru Ford, Inc. d/b/a Phillips Ford Sales	223,900.00
8250330-01	09/07/99	Plasterer Equipment Co., Inc.	55,000.00
8250350-01	09/07/99	Cleveland Brothers Equipment Co., Inc.	217,090.00
8250350-02	09/07/99	Ingersoll-Rand Equipment Sales	280,800.00
8250360-01	09/07/99	Rental Service Corporation USA, Inc.	19,454.00
8250360-02	09/07/99	Seely Equip- ment and Supply Co.	25,182.00
8250600-01	09/07/99	Regester Chevrolet, Inc.	45,748.00
8250620-01	09/07/99	Valk Manufac- turing Co.	8,540.00
8250630-01	09/07/99	Westgate Chevrolet, Inc.	19,395.00

GARY E. CROWELL,
Secretary

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