

# PENNSYLVANIA BULLETIN

Volume 30  
Saturday, January 29, 2000 • Harrisburg, Pa.  
Number 5  
Pages 511—612

**Agencies in this issue:**

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The Courts  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Osteopathic Medicine  
State Board of Psychology

**Detailed list of contents appears inside.**

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

**No. 302, January 2000**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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## List of Pa. Code Chapters Affected

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

<b>4 Pa. Code (Administration)</b>		<b>55 Pa. Code (Public Welfare)</b>	
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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Media Seminar

The Commission on Sentencing (Commission) will hold a media seminar at the Harrisburg Hilton and Towers, 1 North Second Street, Harrisburg, PA on Wednesday, February 2, 2000 from 1 p.m.—3 p.m. The purpose of the seminar is as follows: to provide contextual information on statewide sentencing statutes, guidelines and practices in this Commonwealth; to describe Commission sentencing information available to the media; and to discuss the procedures for obtaining 1998 sentencing data under the Commission's *Release of Information Policy*. Copies of the policy and sentencing-related information are available on the Internet at: <http://pcs.la.psu.edu>.

For additional information or to register for this seminar, contact Cathy Dittman, (814) 863-2797, ext. 1 or E-mail: [cwd2@psu.edu](mailto:cwd2@psu.edu). There is no charge for this seminar.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 00-161. Filed for public inspection January 28, 2000, 9:00 a.m.]

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### Meeting Notice

The Commission on Sentencing announces the following public meetings, to be held at the Harrisburg Hilton and Towers, One North Second Street, Harrisburg, PA 17101 in the Leland Room:

Tuesday, February 1, 2000	Dinner/Work Session (work session begins at 7:30 p.m.)	6 p.m.
Wednesday, February 2, 2000	Quarterly Commission Mtg. Media Conference	9 p.m. 1 p.m.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 00-162. Filed for public inspection January 28, 2000, 9:00 a.m.]



# THE COURTS

## Title 210—APPELLATE PROCEDURE

[210 PA. CODE CH. 63]

Certification of Questions of Law; No. 197 Judicial  
Administration Doc. No. 1

### Order

*Per Curiam:*

*And Now*, this 12th day of January, 2000, the Order of the Court dated October 28, 1998, is herewith amended so as to delete paragraph one thereof.

1. Any of the following courts may file a Certification Petition with this Court:

- a. The United States Supreme Court; or
- b. Any United States Court of Appeals.

2. A court may file a Certification Petition either on the motion of a party or sua sponte.

3. A Certification Petition shall contain the following:

- a. A brief statement of the nature and stage of the proceedings in the petitioning court;
- b. A brief statement of the material facts of the case;
- c. A statement of the question or questions of Pennsylvania law to be determined;
- d. A statement of the particular reasons why this Court should accept certification; and
- e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.

f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

#### § 63.10. Certification of Questions of Law.

A. *Court limitation.* This Court will accept Certification Petitions from any of the following courts:

1. The United States Supreme Court; or
2. United States Courts of Appeal.

B. *Standards.* Like granting allocatur, acceptance of certification is a matter of judicial discretion. This Court may accept certification of a question of Pennsylvania law only where there are special and important reasons therefor, including, but not limited to, any of the following:

1. The question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by this Court;
2. The question of law is one with respect to which there are conflicting decisions in other courts; or

3. The question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth.

4. This Court shall not accept certification unless all facts material to the question of law to be determined are undisputed, and the question of law is one that the petitioning court has not previously decided.

5. This Court shall decide whether to accept or refuse certification without hearing oral argument.

C. *Assignment and Disposition.* The prothonotary shall refer Certification Petitions to the Chief Justice. The Chief Justice will prepare memoranda setting forth the positions of the parties and a recommended disposition. Vote proposals shall be circulated within thirty days from the date of assignment, and shall contain a proposed disposition date no greater than thirty days from the date of circulation. A vote of the majority of those participating is required to implement the proposed disposition.

Every Certification Petition shall be decided within sixty days. Orders disposing of Certification Petitions shall include the names of any justices who did not participate in the consideration or decision of the matter.

Upon acceptance of certification, the prothonotary shall:

1. Issue an order accepting certification, which shall specify the questions of law for which certification was accepted, and whether the case is to be submitted on briefs or designated by the Court to be heard at the argument session;
2. Establish a briefing schedule;
3. If oral argument is granted, list the matter for oral argument; and
4. Take such further action as this Court directs.

D. *Reconsideration.* A vote of the majority is required to grant reconsideration.

[Pa.B. Doc. No. 00-163. Filed for public inspection January 28, 2000, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 200]

#### Damages for Delay

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

\* \* \* \* \*

#### Addendum to Explanatory Comment

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. 238 as

revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>	<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 2, 1980	15 to 15 1/2	January 2, 1991	9 1/2 to 10
January 2, 1981	20 1/2 to 21 1/2	January 2, 1992	6 1/2
January 4, 1982	15 3/4	January 4, 1993	6
January 3, 1983	11 to 11 1/2	January 3, 1994	6
January 3, 1984	11	January 3, 1995	8 1/2
January 2, 1985	10 3/4	January 2, 1996	8 1/2
January 2, 1986	9 1/2	January 2, 1997	8 1/4
January 2, 1987	7 1/2	January 2, 1998	8 1/2
January 4, 1988	8 3/4	January 4, 1999	7 3/4
January 3, 1989	10 1/2	<b>January 3, 2000</b>	<b>8 1/2</b>
January 2, 1990	10 1/2		

*By the Civil Procedural Rules Committee*

REA BOYLAN THOMAS,  
*Chairperson*

[Pa.B. Doc. No. 00-164. Filed for public inspection January 28, 2000, 9:00 a.m.]

## SUPREME COURT

### Certification of Questions of Law; No. 197 Judicial Administration; Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 12th day of January, 2000, the Order of the Court dated October 28, 1998, is herewith amended so as to delete paragraph one thereof.

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- a. The United States Supreme Court; or
- b. Any United States Court of Appeals.

2. A court may file a Certification Petition either on the motion of a party or sua sponte.

3. A Certification Petition shall contain the following:

- a. A brief statement of the nature and stage of the proceedings in the petitioning court;
- b. A brief statement of the material facts of the case;
- c. A statement of the question or questions of Pennsylvania law to be determined;
- d. A statement of the particular reasons why this Court should accept certification; and
- e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.

f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

[Pa.B. Doc. No. 00-165. Filed for public inspection January 28, 2000, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CHS. 91, 97 AND 101] Wastewater Management

The Environmental Quality Board (Board), by this order, amends Chapters 91 and 97 (relating to general provisions; and industrial wastes) and deletes Chapter 101 (relating to special water pollution regulations). As part of the proposal and an advance notice of final rulemaking (ANFR), certain provisions of Chapters 97 and 101 were proposed to be transferred to Chapter 91. A notice of proposed rulemaking regarding these amendments was published at 27 Pa.B. 4343 (August 23, 1997) and an ANFR was published at 29 Pa.B. 2145 (April 24, 1999).

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

#### A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. *Contact Persons*

For further information contact Milt Lauch, Chief, Division of Wastewater Management, P.O. Box 8465, Rachel Carson State Office Building, Harrisburg, PA 17105-8465, (717) 787-8184, or William S. Cumings, Jr., Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final rulemaking is available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

This final-form rulemaking is being made under the authority of section 5 of The Clean Streams Law (35 P.S. § 691.5), which provides for the promulgation of rules and regulations for the implementation of The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510.20), which provides for the promulgation of rules and regulations of the Department of Environmental Protection (Department) by the Board.

#### D. *Background and Summary*

At a meeting held on June 17, 1997, the Board adopted a proposal to amend Chapter 91, delete portions of Chapter 97 and to delete Chapter 101. As part of that regulatory proposal, certain provisions of Chapters 97 and 101 were proposed to be transferred to Chapter 91.

The purpose of the proposed amendments was to support the Department's pollution prevention strategies, make the application of new green technologies easier and eliminate obsolete regulations. The changes outlined in the proposed rulemaking were designed to assist industries and individuals proposing new or innovative ways to prevent pollution through modifications to waste streams or wastewater processes and those proposing new technologies to treat wastewater by eliminating regula-

tory barriers to these activities. The elimination of obsolete regulations simplifies and clarifies the existing regulations for those applying for permits for wastewater treatment facilities. The consolidation of Chapter 101 into Chapter 91 and the transfer of several sections of Chapter 97 to Chapter 91 provide a single source of regulations regarding related wastewater issues. A notice of proposed rulemaking regarding these amendments was published at 27 Pa.B. 4343.

Subsequent to the publication of the notice of proposed rulemaking, the Department undertook an initiative to control the water quality impacts of manure from agricultural operations mandated by the concentrated animal feeding operation (CAFO) requirements of the Federal Clean Water Act. The Department convened a stakeholder group consisting of representatives from various groups to assist in developing a CAFO strategy.

At 28 Pa.B. 2728 (June 16, 1998), a notice was published regarding the development of a proposed strategy and related permit documents to regulate CAFOs within this Commonwealth. Following publication of the notice of the proposed CAFO Strategy, the Department held four public meetings/hearings throughout this Commonwealth. Over 125 people attended the public meetings/hearings. In addition, the Department received written comments from over 100 commentators on the proposed CAFO Strategy. In response to the comments, the Department made a number of revisions to the proposed CAFO Strategy. These revisions were outlined, further revised and adopted at a meeting of the stakeholders held on February 4, 1999. A notice of the availability of the "Final Strategy for Meeting Federal Requirements for Controlling the Water Quality Impacts of Concentrated Animal Feeding Operations" (the CAFO Strategy) was published at 29 Pa.B. 1439 (March 13, 1999).

The intent of the CAFO Strategy "is to ensure that all concentrated animal feeding operations are constructed and managed in an environmentally sound manner, while ensuring agricultural producers an opportunity to pursue agricultural production which is profitable, economically feasible and based on sound technology and practical production techniques." (See, CAFO Strategy p. 1).

With respect to the construction and operation of animal manure storage facilities, the CAFO Strategy outlines a requirement for a Part II Water Quality Management Permit for facilities where a CAFO of more than 1,000 animal equivalent units is proposed. Animal equivalent units are calculated in accordance with the Nutrient Management Act (3 P.S. §§ 1701—1718) and the regulations promulgated thereto in Chapter 83 (relating to State Conservation Commission). It was specifically acknowledged in the CAFO Strategy that some elements of the strategy would "... require new regulations to create Water Quality Management Part II permit . . . requirements."

Accordingly, the Department prepared an ANFR to provide the public an opportunity to comment on revisions to the proposed rulemaking necessary to implement the CAFO Strategy, particularly with respect to wastewater impoundments at agricultural operations. The ANFR also invited comment on certain proposed pollution prevention measures and other changes resulting from comments and suggestions submitted during the public com-

ment period for the proposed amendments to Chapter 91. Notice of the ANFR was published at 29 Pa.B. 2145.

A draft of the ANFR was reviewed and approved by the Water Resources Advisory Committee (Committee) at a meeting held on May 12, 1999. A draft of the ANFR was also reviewed by the Agricultural Advisory Board at a meeting held on April 21, 1999. Comments made by these groups at these and other meetings resulted in several amendments which were incorporated into the final-form regulations.

*E. Summary of Comments and Responses on the Proposed Rulemaking and the Advance Notice of Final Rulemaking*

*Section 91.1 (relating to definitions).*

This section of the proposal outlined new or revised definitions related to the Department's wastewater program intended to clarify previously undefined terms used in Chapter 91.

The Board received a number of comments on the proposed definitions of "industrial waste" and "sewage." The commentators believe that the proposed definitions are inconsistent with the terms as defined in The Clean Streams Law. To avoid confusion, terms defined in The Clean Streams Law have been deleted in the final rulemaking. Thus, the definitions of "industrial waste," "person," "sewage" and "waters of this Commonwealth" have been deleted.

As noted in section D of this Preamble, the ANFR outlined proposed amendments related to wastewater impoundments at agricultural operations and pollution prevention measures in certain sections of the regulations. Appropriate definitions are being added to complement those amendments. Thus, the terms "agricultural operations," "animal equivalent unit" and "manure storage facility" were added. These definitions are based on definitions of those terms as defined in the Nutrient Management Act and the regulations promulgated thereto. In addition, definitions of the terms "pollution prevention" and "pollution prevention measures" are added.

The proposal included a definition of "NPDES Permit." Two commentators suggested that the proposed definition was unclear because it did not explain what the term "requirements" as used in the definition connotes. Since the phrase "NPDES Permit" is not used elsewhere in this final-form rulemaking, the definition has been deleted.

The ANFR outlined requirements applicable to wastewater impoundments at agricultural operations. Section 91.35 (relating to wastewater impoundments) outlines certain requirements related to freeboard. One commentator suggested that the term be defined. This term is defined in the "Pennsylvania Technical Guide" published by the Natural Resources Conservation Service of the United States Department of Agriculture. Since the term is defined therein, the Board does not believe it is necessary to define the term in this final-form rulemaking.

The proposed definition of "stormwater" defined that term as "stormwater runoff, snow melt runoff and surface runoff and drainage." It was suggested that this definition was somewhat circuitous and not very useful. The definition has been revised to read "runoff from precipitation, snow melt runoff and surface runoff and drainage."

The proposal contained a definition of "wastewater impoundment." The Board received comments on this definition which indicated that the definition describes

what an impoundment is, but does not address the wastewater component of the term being defined. The definition has been clarified by adding a phrase at the end of the definition to indicate that it applies to a depression, excavation or facility "used to store wastewater including sewage, animal waste or industrial waste."

The definition of "water quality management permit" has been slightly modified in response to a concern that the location of a reference to "Part II permit" in the proposal created an ambiguity. The phrase "or requirements" was also deleted to eliminate uncertainty as to its meaning.

*Section 91.6 (relating to pollution prevention).*

The proposal noted that the language of existing § 97.14 (relating to measures to be used) was proposed to be moved to this section with slight modification. The ANFR indicated language of this section was proposed to be revised to include a tie-in to the definitions of "pollution prevention" and "pollution prevention measures" outlined in the ANFR. The ANFR also outlined a hierarchy of pollution prevention measures for environmental management to be considered by a permittee. In addition, the identity of persons doing the pollution prevention such as the permittee or the industrial discharger to a publicly owned treatment works (POTW) would be indicated. The practice involving "segregation of strong wastes" where the strong waste is then treated is not true pollution prevention. If, however, the strong waste is separated for reuse within a process, then it is pollution prevention. Finally, the ANFR indicated that the last part of the existing section, which provides that the "... term 'practical' is not limited to that which is profitable or economical" might actually hinder pollution prevention efforts and would, therefore, be deleted.

This final-form rulemaking has been revised to provide that the Department will encourage pollution prevention by providing assistance to permittees and users of the permittee's facilities in the consideration of pollution prevention measures. The Department will encourage the consideration of the following measures, in descending order of preference, for the environmental management of wastes: reuse, recycling, treatment and disposal.

The Department received comments regarding other pollution prevention provisions in the ANFR. One commentator suggested that the Department provide some basis for the statement in the ANFR that the sentence referring to the term "practical" would actually hinder pollution prevention efforts. The Department believes that the sentence limits the scope of considerations regarding pollution prevention. There are pollution prevention remedies that are implemented through modified housekeeping practices that may result in little or no economic consequences, but have positive environmental ones.

One commentator noted that the ANFR added language listing the preferred order in which measures for waste management should be considered. The commentator further stated the new language also states that "pollution prevention measures used currently or proposed shall be encouraged and acknowledged in the water quality management permit applications." It is asserted the new provisions are not written in regulatory language and would be more appropriately placed in a guidance document or policy statement. One commentator suggested that the use of the words "considered" and "encouraged" lack force and, therefore, is a "waste of words." The commentator believes the language should be rewritten to give it force.

The Department does not agree with these comments. As noted previously, the language has been revised to indicate the Department will be encouraging and providing assistance in the consideration of pollution prevention measures. It is the Department's policy to achieve integration of pollution prevention and resource recovery practices through a voluntary effort and not by mandating controls through regulatory requirements. The Department believes that by approaching pollution prevention in this manner, the regulated community will strive to go beyond compliance, thereby resulting in greater benefit to the public and the environment. The provision providing that information regarding pollution prevention measures is to be submitted with the water quality management permit application has been deleted.

*Section 91.11 (relating to compliance conferences).*

This section provides, in part, that the Department will provide advice and suggestions to those required to abate pollution of the waters of this Commonwealth. Among other things, the advice may include measures for the treatment or prevention of pollution. The ANFR clarified this section to provide a tie-in to the definition of "pollution prevention measures." Thus, this portion of the regulation provides that the Department will provide advice regarding possible means for abatement of the pollution in question through pollution prevention measures or treating the waste if prevention is not possible.

*Section 91.15 (relating to basin-wide compliance).*

This section, as proposed by the Board, provided that the Department would require sources of pollutants in a basin, watershed or surface water to concurrently comply with the standards in Chapters 93 and 95 (relating to water quality standards; and wastewater treatment requirements) as well as the statement of policy outlined in Chapter 16 (relating to water quality toxics management strategy—statement of policy). Some commentators did not believe the reference to the statement of policy was clear enough to indicate that the statement of policy is nonbinding. The ANFR added language making it clear that Chapter 16 relates to a statement of policy and not a regulation. That language has been retained in this final-form rulemaking in a slightly modified form. Statements of policy are by their very nature nonbinding.

*Section 91.27 (relating to general permits).*

The proposal outlined requirements applicable to water quality management general permits. One commentator provided extensive comments challenging the legal and policy basis for the issuance of these permits. The commentator asserted that The Clean Streams Law provides no authority for the issuance of water quality management general permits; unlike certain other laws administered by the Department which contain specific authority for the issuance of general permits, The Clean Streams Law has no such provision; the general permit provisions do not provide adequate opportunity for public review and participation; the provisions are lacking in detail as to the terms and conditions of the permit; the review of notices of intent is inadequate; and the compliance history review provisions are allegedly inadequate. The commentator's comments are outlined in more detail in the Comment and Response Document prepared for this rulemaking and are available upon request.

The Board and the Department believe The Clean Streams Law provides authority for the issuance of water quality management general permits. Section 5(b)(1) of The Clean Streams Law (35 P. S. § 691.5(b)(1)), provides authority for the Board to "formulate, adopt, promulgate

and repeal such rules and regulations . . . as are necessary to implement the provisions of [The Clean Streams Law]." This authority is sufficiently broad to authorize the issuance of general permits. The NPDES general permit program was established under the authority of this section of The Clean Streams Law.

With respect to opportunity for public comment, § 91.27(b)(1) clearly requires public notice and an opportunity to comment. That section provides that the Department will publish a notice in the *Pennsylvania Bulletin* of its intent to issue or amend a general permit. Interested persons are given an opportunity to provide written comments on the proposed general permit.

Insofar as the terms and conditions of the permit are concerned, they must be activity specific. It is not possible to outline the terms and conditions applicable to every water quality management general permit. The public will be provided an opportunity to give comments and suggestions on a general permit proposed to be issued by the Department.

The provisions regarding commencement of coverage in subsection (b)(3) have been substantially revised. The proposal outlined four scenarios for the commencement of coverage under a general permit. Subparagraphs (ii) and (iv), which would have authorized commencement of coverage on a date specified in the general permit or upon receipt of a notice of intent by the Department, have been deleted in the final rule. Subparagraph (i) of the proposal would have provided that coverage could begin after a waiting period specified in the general permit. This language has been revised to provide that coverage could begin "after a waiting period following receipt of the notice of intent by the Department as specified in the general permit." The language of proposed subparagraph (iii), which provides that coverage could begin upon receipt of notification of coverage by the Department is being retained in this final-form rulemaking, but renumbered as subparagraph (ii).

Subsection (b)(4) of the proposal was entitled "Coverage Under a General Permit." One commentator suggested that the title be clarified to make it clear that the subsection applies to notices of intent for coverage under a general permit. This suggestion has been incorporated into this final-form rulemaking. The commentator also questioned why there was qualifying language at the end of the subsection which appeared to provide an exception for notices of intent since the qualification related to criteria for denial of coverage. The qualifying language has been deleted from the final rule.

The proposal also indicated the Department would review the information provided in a notice of intent to determine if the wastewater treatment facility qualified under the provisions of the general permit. This language has been revised in this final-form rulemaking to indicate the Department will review the information for completeness or to determine whether a facility qualifies under the provisions of the general permit.

Subsection (c) of the proposal provided that coverage under a general permit could be denied if certain conditions were met. Subsection (c)(2) of the proposal provided that coverage under a general permit may be denied if an applicant has not first obtained NPDES permits required by Chapter 92. One commentator suggested that the requirement that an applicant for a general permit "first" obtain an NPDES permit be revised to provide, at a minimum, for concurrent submittal of an NPDES permit application. This suggestion has been incorporated into

the regulation by deleting the word "first." In addition, the reference to "NPDES" has been deleted while still retaining the reference to permits required under Chapter 92. Finally, a phrase has been added at the end of the subsection to indicate that this subsection applies when NPDES permits are required. This change is intended to allow the issuance of water quality management general permits when an NPDES permit is not required.

Subsection (c)(4) of the proposal provided that coverage would be denied if an applicant has a "significant history of noncompliance with a prior permit issued by the Department." Some commentators questioned the meaning of "significant history of noncompliance." To ensure that the compliance review criterion is consistent with the standard in section 609(2) of The Clean Streams Law (35 P. S. § 691.609(2)), the language has been revised in this final-form rulemaking to provide that coverage under a general permit may be denied if the applicant "has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a prior permit issued by the Department."

It was suggested that publishing notices of applications for general permits in local newspapers and the *Pennsylvania Bulletin* would help to ensure that affected parties are aware of and have the opportunity to comment on a pending general permit. One commentator suggested that the Board explain why it is not in the public interest to require this notice if it chooses not to adopt the recommendation.

The Board does not believe it would be helpful to require publication of all applications for general permits in the *Bulletin* and in local newspapers as suggested by the commentators. To adopt the suggestion made by the commentators would affect all other general permits administered by the Department. Wastewater facilities which would qualify for coverage under a general permit are expected to have little or no impact on the environment. For example, the construction of a small flow treatment facility to repair a malfunctioning onlot sewage system would improve environmental quality and have no measurable impact on the receiving stream. Imposing additional costs and delays for local newspaper publication would exacerbate an environmental problem which needs to be corrected. However, the Department will publish notices of actions by the Department regarding general permit applications in the *Pennsylvania Bulletin*. Actions of the Department granting or denying coverage under a general permit will be published, thus providing an opportunity to appeal these actions.

Subsection (e) of the proposal was entitled "Termination of general permit." One commentator noted that the subsection describes when the applicability of a general permit to a specific facility is terminated and suggested that the title be changed to reflect this. Accordingly, the title has been revised to read "termination of coverage under a general permit."

*Section 91.34 (relating to activities utilizing pollutants).*

This section requires persons engaged in an activity involving the use of a pollutant to submit a report or plan to the Department outlining measures to be taken to prevent the pollutant from reaching waters of this Commonwealth upon notice from the Department. The ANFR clarified this section to suggest that the use of pollution prevention measures is preferable to treatment. The language proposed in the ANFR is clarified in this final-form rulemaking. Thus, subsection (b) provides that the Department may require a person to submit a report

or plan for activities such as the impoundment, production, processing, transportation, storage, use, application or disposal of polluting substances to prevent pollutants from reaching the waters of this Commonwealth. Subsection (b) has also been clarified to provide that the Department will encourage the use of pollution prevention measures in much the same manner as provided in § 91.6 and outlines a hierarchy for the consideration of the environmental management of wastes consisting of reuse, recycling, treatment and disposal.

One commentator asserted that these provisions are not written in regulatory language and would be more appropriately placed in a policy statement or guidance document. It is the Department's policy to achieve integration of pollution prevention and source recovery practices through a voluntary effort and not by mandating controls through regulatory requirements. It is believed that by approaching pollution prevention in this manner that the regulated community will strive to go beyond compliance, thereby resulting in greater benefit to the public at large and the environment.

Subsection (b) of the proposal also indicated that reports submitted to the Department regarding pollution prevention measures are to include other information such as the Department may require. One commentator asserted that the meaning of "other information the Department may require" is unclear. The quoted language has been deleted in this final-form rulemaking.

*Section 91.35 (relating to wastewater impoundments).*

The proposal indicated that the Department's regulations relating to wastewater impoundments, currently found in § 101.4 (relating to impoundments), would be transferred to this section, with slight editorial changes. Section 101.4 regulates the proper operation, maintenance and use of impoundments used for the production, processing, storage, treatment or disposal of polluting substances.

As indicated elsewhere in this Preamble, subsequent to the publication of the proposed rulemaking, the Department developed a "Final Strategy for Meeting Federal Requirements for Controlling Water Quality Impacts of Concentrated Animal Feeding Operations." It was specifically acknowledged in the CAFO Strategy that some elements of that strategy would require new regulations regarding water quality management part II permits. In light of the CAFO Strategy and comments concerning the original proposal, the ANFR outlined new requirements applicable to wastewater impoundments at certain agricultural operations concerning freeboards for waste storage ponds and waste structures.

The ANFR outlined a proposed revision to subsection (c) relating to a requirement for a Water Quality Management Permit for an impoundment at a new or expanded manure storage facility at an agricultural operation with more than 1,000 animal equivalent units, regardless of the capacity of the impoundment. This requirement is retained in this final-form rulemaking.

The language proposed in subsection (d) of the ANFR provided that if an agricultural operation contains less than 1,001 animal equivalent units, the operation is not subject to the reporting or permit requirements of § 91.35(b) or (c), but must provide either a 12-inch freeboard for all waste storage ponds or a 6-inch freeboard for all waste storage structures. One commentator suggested that imposing the 2-foot freeboard requirement outlined in § 91.35(a) would be an unfair economic burden if there are no problems with overtopping at the

facility since the facility was constructed in accordance with standards in effect at the time of construction. In light of this comment, a change has been made to subsection (d) exempting facilities in existence prior to the effective date of the regulations and in compliance with the "Pennsylvania Technical Guide" from the permitting requirements. Thus, subsection (d) is amended to provide that an agricultural operation which contains less than 1,001 animal equivalent units or an agricultural operation in existence prior to the effective date of the final rule and designed in accordance with the "Pennsylvania Technical Guide" is not subject to the requirements of subsection (b) or (c) or the freeboard requirements of subsection (a), but shall provide a 12-inch freeboard for all waste storage ponds and a 6-inch freeboard for all waste storage structures (as defined in the "Pennsylvania Technical Guide") at all times. Proposed subsection (d) is renumbered as subsection (e).

As was the case with the provisions relating to general permits, one commentator provided extensive comments asserting that the proposal to require water quality management permits for some animal manure storage facilities and not others fails to comply with The Clean Streams Law. The commentator also asserts that the proposed permit exemption for impoundments or facilities at agricultural operations with less than 1,001 animal equivalent units is unreasonable because it is asserted the Department requires other types of facilities of similar size to obtain a permit from the Department.

Section 5(b)(1) of The Clean Streams Law provides authority for the Board to "formulate, adopt, promulgate and repeal such rules and regulations . . . as are necessary to implement the provisions of [The Clean Streams Law]." This authority is sufficiently broad to allow promulgation of appropriate rules and regulations of the Department. In addition, a representative of the commentator was a member of, and actively participated in, the stakeholder's group which formulated the CAFO Strategy. That group reached a consensus that a Water Quality Management permit should not be required for smaller agricultural operations. This consensus was based, in part, on the track record of the agricultural community in meeting the Natural Resources Conservation Service standards and the proper operation of these facilities.

*Section 91.36 (relating to pollution control and prevention at agricultural operations).*

The proposed amendments provided for the transfer of the regulations relating to pollution control and prevention at agricultural operations currently outlined in § 101.8 to this section with minor changes. The proposal also proposed language to better identify the relationship between this section and the regulations in Chapter 83.

The Department adopted a CAFO Strategy. That strategy contained three elements which necessitated revisions to proposed § 91.36. These revisions were outlined in the ANFR. First, all manure storage facilities are to be designed in a manner consistent with the publications entitled "Manure Management for Environmental Protection" and the "Pennsylvania Technical Guide" and § 83.351 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities), when applicable. Section 83.351 outlines minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities. Second, all manure storage facilities are to be designed to prevent any discharges to surface waters during a storm event of less than a 25-year/24-hour

storm. Finally, an engineer's certification would be required for all existing facilities with greater than 1,000 animal equivalent units. These requirements are retained in this final-form rulemaking.

One commentator agreed with the intent of the provision of subsection (a) related to engineer certification of the adequacy of existing manure storage facilities on agricultural operations with over 1,000 animal equivalent units. However, the commentator believes the requirement for consistency with the "Pennsylvania Technical Guide" raises the question of whether the freeboard criteria outlined in the Guide or the 2-foot freeboard requirement in § 91.35(a) applies. The commentator believes imposing the 2-foot freeboard requirement on existing facilities would be an unfair economic burden. As noted, § 91.35(d) has been revised to address this concern. If these facilities are permitted under a CAFO NPDES permit, the permit requirement will assure proper operation and maintenance of the existing facility within the design specifications under which it was constructed.

A number of commentators suggested that the "Manure Management Manual for Environmental Protection" is outdated. Some commentators also suggested that that manual does not reflect the more recently updated guidelines in the "Pennsylvania Technical Guide." The comments are valid. The "Manure Management Manual for Environmental Protection" is currently being revised and updated to, among other things, ensure consistency with the "Pennsylvania Technical Guide." It is anticipated that a draft of the revised manual will be distributed for public comment in the near future and will be placed on the Department's website.

One commentator noted that subsection (a)(2) in the ANFR outlines requirements for a permit in the event a person chooses to design a manure storage facility using criteria other than those described in the "Manure Management Manual for Environmental Protection" or the "Pennsylvania Technical Guide." The commentator noted that the use of the word "or" in that subsection was inconsistent with subsection (a) which refers to design standards meeting the requirements of both documents. The word "and" has been added to replace "or."

One commentator noted that the Manure Management Manual and its supplements are currently undergoing revision to incorporate requirements outlined in the CAFO Strategy. The commentator believes that the field application supplement to the Manual indicates that nutrient management is to be based on phosphorous. The commentator believes it appears to conflict with section 4 of the Nutrient Management Act (3 P. S. § 1704) which indicates that "there shall be a presumption that nitrogen is the nutrient of primary concern."

The Board does not believe there is a conflict with the Nutrient Management Act. The intent of the *Manure Management Manual* and the field application supplement is to provide guidance addressing manure related water pollution concerns. These guidelines are designed to assist farmers in their efforts to minimize water pollution which will assist them in meeting the requirements of The Clean Streams Law. It is the Department's intent to make the guidelines in the Manual consistent with the "Pennsylvania Technical Guide," the CAFO Strategy and the requirements of the Nutrient Management Act. The Chapter 91 permit requirements for land application of manure apply only when there is a pollution incident directly related to polluting surface or groundwater.

One commentator asserted the Department cannot exclude land application of manure from the permit requirements of The Clean Streams Law for the same reasons the commentator objects to the provisions authorizing general permits and those relating to impoundments. As noted in response to comments raised by the commentator regarding those issues, The Clean Streams Law provides sufficient authority for the Board to exercise some discretion in establishing permitting requirements by regulation. Moreover, the existing permit exemption for the land application of manure, as outlined in existing § 101.8(b), has been in effect since at least 1990. Finally, land application of manure is regulated under the Nutrient Management Act. The Board does not believe it is necessary to complicate the Nutrient Management Act requirements with a second layer of regulations for farmers.

The ANFR noted that an engineer's certification would be required for all existing facilities with over 1,000 animal equivalent units. The Department sought comment on whether there should be a lower threshold of animal equivalent units for new facilities located in special protection waters to precipitate the requirement for a water quality management permit. The Department received one comment in response to this issue. The commentator did not agree with establishing this threshold because he believed it went beyond the consensus of the CAFO stakeholders' group. The commentator suggested, however, that requiring an engineer's certification of existing manure storage facilities on concentrated animal operations with more than 300 animal equivalent units in special protection waters would be appropriate.

The Board believes the Natural Resources Conservation Service provides appropriate engineering supervision for the siting, design and installation of manure storage facilities at smaller agricultural operations. To require a second certification for existing facilities appears to be duplicative and an unnecessary expense for the agricultural community. Therefore, a lower threshold has not been established in this final-form rulemaking.

*Section 91.37 (relating to private projects).*

The language of this section, currently found in § 91.32, describes the Department's policy in reviewing permit applications in that it will look with disfavor upon private sewerage projects in built-up areas. One commentator suggested that it would be more appropriate to provide regulatory language. Accordingly, regulatory language has been added to subsection (a) providing that the Department will not approve applications for private sewerage projects in built-up areas unless the applicant can demonstrate a compelling public need for the project. Subsection (b) has been clarified to reflect this change. Subsection (b) contained a reference to "proper" private sewerage projects. The reference to "proper" has been deleted in this final-form rulemaking.

*Section 91.51 and 91.52 (relating to underground disposal).*

The proposed amendments adopted by the Board would have deleted the provisions of existing §§ 97.71—97.76 relating to underground disposal of wastes such as discharges into mines, abandoned wells, underground horizons and new wells and replace these provisions with a provision in proposed § 91.32 requiring compliance with 40 CFR Part 144 relating to underground injection control. The Department has not accepted delegation from the Environmental Protection Agency (EPA) for the administration of the underground injection control pro-

gram. Subsequent to the proposal the Department received comments indicating that the Federal underground injection control program might be inadequate to address situations unique to this Commonwealth, particularly with respect to underground disposal to abandoned mines and abandoned wells. Accordingly, it was proposed in the ANFR to reinstate the provisions and requirements of existing §§ 97.71—91.76. These requirements are in new §§ 91.51 and 91.52. In addition, the ANFR indicated proposed § 91.32 would be deleted and reserved. This final-form rulemaking deletes § 91.32 as proposed in the ANFR.

*F. Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of this final-form rulemaking. It also requires a statement of the need for, and a description of, forms, reports or other paperwork required as a result of this final-form rulemaking.

This final-form rulemaking is necessary to implement the Department's Regulatory Basics Initiative and the goals of Executive Order 1996-1. The amendments will result in the promotion of pollution prevention strategies, eliminate regulations which inhibit the application of green technologies and eliminate obsolete regulations.

*Benefits*

Individuals, consultants, sewage treatment plant permittees and the public will benefit from the final amendments without reductions in protection of public health or the environment. The amendments will allow the Department staff more flexibility to recommend innovative remediation measures to attain compliance. In addition, the provisions regarding pollution prevention will provide new options when considering sewage treatment operational alternatives to achieve compliance. The amendments to § 91.25 regarding experimental projects will allow the consideration of new innovative technologies used in other states for use in this Commonwealth. In addition, the incorporation of appropriate provisions of Chapter 101 into Chapter 91 eliminates confusion among the regulated community as to which regulations are applicable. There are about 75 orders issued to treatment plant operators each year. It is estimated that about 1/4 of these facilities will choose to pursue pollution prevention as an option to the preparation of detailed plans. The cost associated for each of these facilities would be about \$15,000. The cost savings for all facilities choosing pollution prevention as outlined in the final rule is estimated to be approximately \$2,812,500 per year.

*Compliance Costs*

Except for § 91.35 relating to wastewater impoundments at agricultural operations, the amendments do not create any substantive new regulatory requirements. Rather, they eliminate unnecessary existing requirements, combine related regulations from several different chapters into one chapter and clarify existing text.

With respect to the provisions relating to wastewater impoundments at agricultural operations with over 1,000 animal equivalent units, it is estimated that the cost of compliance will be \$77,500 per year. Agricultural operations proposing manure storage facilities to serve CAFOs with greater than 1,000 AEUs will experience a cost increase of \$15,500 per facility. The \$15,000 is an estimate that was provided by an industry representative as the additional cost of excavation and liners for additional 1-foot of freeboard required by the new regulations. The \$500 is the permit review fee charged by the Department.



There have only been five proposals this year for this type of CAFO. The actual number of applicants per year is unknown.

*Compliance Assistance Plan*

The Department is developing a compliance assistance plan for CAFOs to bring existing operations into compliance with the Department's CAFO Strategy. A draft of this compliance plan will be published for public comment prior to finalization.

*Paperwork Requirements*

The paperwork requirements might be reduced for activities which would be covered by general permits which could be issued under the provisions of § 91.27. Additional paperwork might be required in the case of applicants for a water quality management permit being required to submit information regarding pollution prevention activities under § 91.6. A new CAFO water quality management part II permit has been developed for new or modified CAFOs housing more than 1,000 AEU's. It is estimated that less than 10 facilities per year would use these forms. A copy of this document is available from the contact persons listed in Section B of this Preamble.

*G. Pollution Prevention*

Pollution prevention approaches to environmental management often provide environmentally sound and longer-term solutions to environmental protection because pollution is prevented at the source. Pollution prevention is defined by the EPA as measures taken to avoid or reduce the generation of all types of pollution—solid/hazardous waste, wastewater discharges and air emissions—at their point of origin; however, it does not include activities undertaken to treat, control or dispose of pollution once it is created. The Federal Pollution Prevention Act of 1990 established a National policy and environmental management hierarchy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The hierarchy is as follows:

- a. Pollution should be prevented or reduced at the source.
- b. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible.
- c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible to render it less hazardous, toxic or harmful to the environment.
- d. Disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

The short- and long-term health of the economy of this Commonwealth depends on clean air, pure water and the preservation of the natural, scenic, historic and aesthetic values of the environment. The Commonwealth spends over \$1 billion per year in efforts to control pollutants through regulation of both industrial point discharges and nonpoint sources. To meet the Commonwealth's economic development and environmental protection goals successfully, the Commonwealth needs to adopt programs that not only protect the environment, but also significantly reduce costs and increase the competitiveness of the regulated community. When pollution is prevented up front, it can reduce a company's bottom line costs and overall environmental liabilities often by getting the company out of the regulatory loop. It can also get the

Department out of the business of regulating pollution that may not need to be generated in the first place.

In keeping with Governor Ridge's interest in encouraging pollution prevention solutions to environmental problems, these final-form regulations incorporated the following provisions and incentives to meet that goal:

Definitions of "pollution prevention" and "pollution prevention measures" were added to § 91.1.

Regulations currently in § 97.14 (relating to measure to be used) were transferred to new § 91.6 and was renamed "pollution prevention" to more clearly identify its intent. In addition, language was added to provide some guidance regarding the consideration of pollution prevention measures.

Section 91.11 was revised to include a discussion of pollution prevention as an alternative to treating wastes.

Section 91.13 was revised to emphasize that pollution prevention is a key factor to be used when options to abate pollution are being considered by a permittee.

Section 91.34 requires any person engaged in an activity involving the use of a pollutant to submit a report or plan describing the nature of the preventative measures to be taken to keep these pollutants from the waters of this Commonwealth. It also provides management for the use of pollution prevention measures.

*H. Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 12, 1997, the Department submitted a copy of the proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received as well as other documentation.

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

These final-form regulations were deemed approved by the House Environmental Resources and Energy Committee on October 12, 1999, and were deemed approved by the Senate Environmental Resources and Energy Committee on October 21, 1999. IRRC met on October 21, 1999, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

*J. Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law, and all comments received during the public comment period for the proposed rulemaking were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 27 Pa.B. 4343.

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

#### K. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapters 91, 97 and 101, are amended by amending §§ 91.1, 91.11—91.15, 91.21, 91.22, 91.25, 91.27, 91.31—91.33; adding §§ 91.6, 91.27, 91.34—91.38 and 91.51 and 91.52 and deleting §§ 97.14, 97.61, 97.71—97.76, 101.1—101.6 and 101.8 to read as set forth in Annex A.

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

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

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

(e) This order shall take effect immediately upon publication.

JAMES M. SEIF,  
Chairperson

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

**Fiscal Note:** Fiscal Note 7-323 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 25 ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subject C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 91. GENERAL PROVISIONS

#### GENERAL

#### § 91.1. Definitions.

The definitions in section 1 of the act of June 22, 1937 (P. L. 187, No. 394) (35 P. S. § 691.1) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Clean Streams Law (35 P. S. §§ 691.1—691.801).

*Agricultural operations*—The management and use of farming resources for the production of crops, livestock or poultry as defined in section 3 of the Nutrient Management Act (3 P. S. § 1703).

*Animal equivalent unit*—One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, as defined in section 3 of the Nutrient Management Act.

*Application*—The Department's form for requesting approval to construct and operate a wastewater collection, conveyance or treatment facility under a new water quality management permit, or the modification, revision or transfer of an existing water quality management permit.

*Facility*—A structure built to collect, convey or treat wastewater which requires coverage under a water quality management permit.

*Federal Act*—The Federal Water Pollution Control Act (33 U.S.C.A. §§ 1251—1387).

*General water quality management permit or general permit*—A water quality management permit that is issued for a clearly described category of wastewater treatment facilities, which are substantially similar in nature.

*Manure storage facility*—A permanent structure or facility or a portion of a structure or facility, utilized for the purpose of containing manure as defined in § 83.201 (relating to definitions).

*NOI—Notice of Intent*—A complete form submitted as a request for general water quality management permit coverage.

*Operator*—A person or other legal entity responsible for the operation or maintenance of a facility or activity subject to this chapter.

*Owner*—The person or other legal entity holding legal title to a facility or activity subject to this chapter.

*Pollutant*—A contaminant or other alteration of the physical, chemical or biological properties of surface water which causes or has the potential to cause pollution as defined in section 1 of the act (35 P. S. § 691.1).

*Pollution prevention*—Source reduction and other practices (for example, direct reuse or in-process recycling) that reduce or eliminate the creation of pollutants through increased efficiency in the use of raw materials, energy, water or other resources, or protection of natural resources by conservation.

*Pollution prevention measures*—Practices that reduce the use of hazardous materials, energy, water or other resources and that protect natural resources and human health through conservation, more efficient use, or effective pollutant release minimization prior to reuse, recycling, treatment or disposal.

*Schedule of compliance*—A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with effluent limitations, other limitations, prohibitions or standards.

*Single residence sewage treatment plant*—A system of piping, tanks or other facilities serving a single family residence located on a single family residential lot which collects, disposes and treats solely direct or indirect sewage discharges from the residences into waters of this Commonwealth.

*Stormwater*—Runoff from precipitation, snow melt runoff and surface runoff and drainage.

*Wastewater impoundment*—A depression, excavation or facility situated in or upon the ground, whether natural or artificial and whether lined or unlined, used to store wastewater including sewage, animal waste or industrial waste.

*Water quality management permit*—A permit or equivalent document (Part II Permit) issued by the Department to authorize one of the following:

(i) The construction, erection and location of a wastewater collection, conveyance or treatment facility.

(ii) A discharge of wastewater to groundwaters of this Commonwealth.

**§ 91.6. Pollution prevention.**

The Department will encourage pollution prevention by providing assistance to the permittee and users of the permittee's facilities in the consideration of pollution prevention measures such as process changes, materials substitution, reduction in volume of water use, in-process recycling and reuse of water, and by general measures of "good housekeeping" within the plant or facility. The Department will encourage consideration of the following measures, in descending order of preference, for environmental management of wastes: reuse, recycling, treatment and disposal.

**ADMINISTRATION AND ENFORCEMENT**

**§ 91.11. Compliance conferences.**

(a) The Department will confer with the representatives of organizations required to abate their pollution of the waters of this Commonwealth and offer advice and suggestions regarding possible means for abatement of the pollution in question through pollution prevention measures or treating the waste if pollution prevention is not possible.

(b) One or more conferences will be held in the interests of attaining a better understanding of the pollution problems involved and of expediting solutions to specific pollution problems. If applicable, the conferences will be held prior to the preparation of plans.

**§ 91.12. Conference procedure.**

(a) Employees of the Department may not act as consulting engineers for a party or recommend the employment of a particular consultant, gather the data for the design of his treatment plant, prepare plans or act as an inspector on the construction of the project.

(b) Employees of the Department will not guarantee directly or by implication the efficacy of a proposed method of pollution abatement.

(c) Employees of the Department shall exercise their best judgment in assisting the party and his engineers, but the responsibility for abating pollution shall rest entirely upon the one causing the pollution.

**§ 91.13. Abatement or treatment required.**

The Department will require either abatement of the pollution or the submission of a plan and schedule for bringing the source's pollutants into compliance through pollution prevention measures, treatment or other means by a specific date, and shall require progress reports thereon, usually at monthly or bimonthly intervals as the Department will deem appropriate.

**§ 91.14. Time for constructing treatment works.**

(a) If, in lieu of abatement, a notified party elects to provide waste treatment works and submits plans therefore, the Department, upon approving the plans will set a time within which the treatment works shall be constructed and placed in operation or will notify the party to be prepared to construct the plant upon notice from the Department, depending upon the status of the Department's program of construction for the basin in which the receiving stream lies as specified in § 91.15 (relating to basin-wide compliance).

(b) In some cases, time may be required within which to prepare plans and construct treatment works by a party responsible for stream pollution before abatement can be consummated. The Department, upon application by the party and when in its judgment the public interest warrants, may grant a limited extension of time during which the discharge of waste shall be permitted, if the party responsible therefor continues work on corrective measures.

**§ 91.15. Basin-wide compliance.**

(a) In general, the Department will require sources of pollutants in a basin, watershed or surface waters as defined in Chapter 93 (relating to water quality standards) to concurrently comply with the water quality standards and protection levels in Chapters 16, 93 and 95 (relating to water quality toxics management strategy—statement of policy; water quality standards; and wastewater treatment requirements).

(b) Notwithstanding subsection (a), if certain sources of pollutants especially affect the public interests, the Department may act to require the abatement of the sources of pollution individually in the general order of degree of adverse effect upon the public interest.

(c) It is the policy of the Department to require concurrent similar action by all parties in the same category with respect to stream pollution.

(d) Each case of pollution will be considered by itself, without reference to other alleged or actual polluters.

**APPLICATIONS AND PERMITS**

**§ 91.21. Applications for permits.**

(a) Applications for approval of projects by the Department shall be made upon the appropriate form, which will be supplied upon request without charge.

(b) Applications shall be in triplicate, one copy of which shall be attested by a notary public, justice of the peace, alderman or district justice. The Department may require additional copies of applications to be filed.

(c) Applications and their accompanying papers shall be submitted to the Department's regional office covering the area where the project will be located.

(d) To qualify for coverage under a general water quality management permit under this chapter, an administratively complete NOI shall be submitted to and approved by the Department in accordance with § 91.27 (relating to general water quality management permit).

**§ 91.22. Fees.**

(a) Applications for water quality management permits from parties except agencies of the Commonwealth shall be accompanied by a check payable to "Commonwealth of Pennsylvania," in the following amounts:

- (1) For applications for single residence sewage treatment plant permits—\$25.
- (2) For applications for sewer extension permits—\$100.
- (3) For applications for other water quality management permits—\$500.

(b) An NOI for coverage under a general water quality management permit shall be accompanied by a check payable to the "Commonwealth of Pennsylvania," in the amount no greater than \$500 as set forth in the public notice for the general water quality management permit as described in § 91.27(b)(1) (relating to general water quality management permit).

**§ 91.25. Experimental projects.**

If the suitability of a proposed device or method of treatment has not been demonstrated by actual field use in this Commonwealth or another state with similar climatic conditions, only conditional approval will be given to it until the effectiveness of the device or treatment has been demonstrated to the satisfaction of the Department by ample field experience.

**§ 91.27. General water quality management permit.**

(a) *Coverage and purpose.* The Department may issue a general water quality management permit, in lieu of issuing individual water quality management permits, for a specific category of wastewater treatment facilities if the wastewater treatment facilities meet the following:

- (1) Involve the same, or substantially similar, type of operations.
- (2) Treat the same types of wastes.
- (3) Require the same operating conditions.
- (4) Are, in the judgment of the Department, more appropriately managed under a general permit than under individual permits.

*(b) Administration of general permits.*

(1) *Proposed general permits and amendments.* The Department will publish a notice in the *Pennsylvania Bulletin* of its intent to issue or amend a general permit, including the text of the proposed general permit or amendment, proposed review fees and an opportunity for interested persons to provide written comments on the proposed general permit or amendment in accordance with § 91.16 (relating to notification of actions).

(2) *Issuance of general permits.* General permits, subsequently issued, will be published in the *Pennsylvania Bulletin* and include the effective date of the general permit and review fees.

(3) *Effective date of a general permit.* The Department will specify in the general permit that an applicant who has submitted a timely and complete notice of intent for coverage is authorized to construct, erect and locate a wastewater treatment facility or discharge to groundwaters of this Commonwealth, in accordance with the terms and conditions of the general permit. Coverage under the general permit shall become effective:

- (i) After a waiting period following receipt of the notice of intent by the Department as specified in the general permit.
- (ii) Upon receipt of notification of coverage by the Department.

(4) *Notice of intent for coverage under a general permit.* A person who desires to have a wastewater treatment facility covered under a general permit shall submit a notice of intent to the Department in accordance with §§ 91.21 and 91.22 (relating to applications for permits; and fees) and the written instructions of the notice of intent. The Department will review the information provided in the notice of intent for completeness or to determine if the wastewater treatment facility qualifies under the provisions of the general permit except as provided in subsection (c)(1), (2) or (5).

(c) *Denial of coverage.* The Department may deny coverage under the general permit when one or more of the following conditions exist:

- (1) The NOI is not complete or timely.

(2) The applicant has not obtained permits required by Chapter 92 (relating to National Pollutant Discharge Elimination System) when required.

(3) The applicant is not, or will not be, in compliance with one or more of the conditions of the general permit.

(4) The applicant has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a prior permit issued by the Department.

(5) The treatment facility proposed for coverage under the general permit is not capable of treating wastewater to a degree which will result in compliance with applicable effluent limitations and water quality standards as described in Chapter 93 (relating to water quality standards).

(6) The Department determines that the action is necessary to ensure compliance with the Federal Act, the act or this title.

(d) *Requiring an individual permit.* The Department may revoke, or suspend coverage under a general water quality management permit, and require that an individual water quality management permit be obtained when the permittee has violated one or more of the conditions of the general permit or has violated a provision of this title. Upon notification by the Department that an individual water quality management permit is required for the facility, the owner shall submit a complete water quality management permit application, in conformance with this chapter, within 90 days of receipt of the notification, unless the owner is already in possession of a valid individual water quality management permit for the applicable functions. Failure to submit the application within 90 days shall result in automatic termination of coverage under the general permit. Timely submission of a complete application shall result in continuation of coverage of the applicable facilities under the general permit, when the facility demonstrates that it has undertaken efforts to address the reasons for the revocation or suspension of coverage, until the Department takes final action on the pending individual permit application.

(e) *Termination of coverage under a general permit.* When an individual water quality management permit is issued for a facility which is covered under a general water quality management permit, the applicability of the general permit to that facility is automatically terminated on the effective date of the individual permit.

**MANAGEMENT OF OTHER WASTES****§ 91.31. Wells other than oil and gas.**

(a) Each well-drilling operation shall have a sump or other receptacle large enough to receive all drill cuttings, sand bailings, water having a turbidity in excess of 1,000 nephelometric turbidity units (NTU) or other pollutant resulting from the well drilling operations.

(b) Surface water shall be excluded from the sump or receptacle by means of diversion ditches on the uphill sides, or by other appropriate measures.

(c) After completion of the well, the sump or receptacle shall be covered over or otherwise protected or the contents of the receptacle disposed of, so that the contents will not be washed into the waters of this Commonwealth.

(d) Waste oil, coal, spent materials or other pollutants shall be disposed of so that they will not be washed into the waters of this Commonwealth.

**§ 91.32. (Reserved).**

**§ 91.33. Incidents causing or threatening pollution.**

(a) If, because of an accident or other activity or incident, a toxic substance or another substance which would endanger downstream users of the waters of this Commonwealth, would otherwise result in pollution or create a danger of pollution of the waters, or would damage property, is discharged into these waters—including sewers, drains, ditches or other channels of conveyance into the waters—or is placed so that it might discharge, flow, be washed or fall into them, it is the responsibility of the person at the time in charge of the substance or owning or in possession of the premises, facility, vehicle or vessel from or on which the substance is discharged or placed to immediately notify the Department by telephone of the location and nature of the danger and, if reasonably possible to do so, to notify known downstream users of the waters.

(b) In addition to the notices in subsection (a), a person shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition thereto, within 15 days from the incident, shall remove from the ground and from the affected waters of this Commonwealth to the extent required by this title the residual substances contained thereon or therein.

(c) Compliance with this section does not affect the civil or criminal liability to which the person or municipality may be subject as a result of an activity or incident under the act, 30 Pa.C.S. (relating to the Fish and Boat Code) or another statute, ordinance or regulation.

**§ 91.34. Activities utilizing pollutants.**

(a) Persons engaged in an activity which includes the impoundment, production, processing, transportation, storage, use, application or disposal of pollutants shall take necessary measures to prevent the substances from directly or indirectly reaching waters of this Commonwealth, through accident, carelessness, maliciousness, hazards of weather or from another cause.

(b) The Department may require a person to submit a report or plan for activities described in subsection (a). Upon notice from the Department and within the time specified in the notice, the person shall submit to the Department the report or plan setting forth the nature of the activity and the nature of the preventative measures taken to comply with subsection (a). The Department will encourage the use of pollution prevention measures that minimize or eliminate the generation of the pollutant over measures which involve pollutant handling or treatment. The Department will encourage consideration of the following pollution prevention measures, in descending order of preference, for environmental management of waste: reuse, recycling, treatment and disposal.

**§ 91.35. Wastewater impoundments.**

(a) Except as otherwise provided under subsections (c)—(e), a person may not operate, maintain or use or permit the operation, maintenance or use of a wastewater impoundment for the production, processing, storage, treatment or disposal of pollutants unless the wastewater impoundment is structurally sound, impermeable, protected from unauthorized acts of third parties, and is maintained so that a freeboard of at least 2 feet remains at all times. The person owning, operating or possessing a wastewater impoundment has the burden of satisfying the Department that the wastewater impoundment complies with these requirements.

(b) A person owning, operating or in possession of an existing wastewater impoundment containing pollutants, or intending to construct or use a wastewater impoundment, shall promptly submit to the Department a report or plan setting forth the location, size, construction and contents of the wastewater impoundment and other information as the Department may require.

(c) Except when a wastewater impoundment is already approved under an existing permit from the Department, a permit from the Department is required approving the location, construction, use, operation and maintenance of a wastewater impoundment subject to subsection (a) in the following cases:

(1) If a variance is requested from the requirements in subsection (a).

(2) If the capacity of one wastewater impoundment or of two or more interconnected wastewater impoundments exceeds 250,000 gallons.

(3) If the total capacity of polluting substances contained in wastewater impoundments on one tract or related tracts of land exceeds 500,000 gallons.

(4) If the impoundment is a new or expanded manure storage facility at an agricultural operation with more than 1,000 animal equivalent units, regardless of the capacity of the impoundment.

(5) If the Department determines that a permit is necessary for effective regulation to insure that pollution will not result from the use, operation or maintenance of the wastewater impoundment.

(d) The following types of agricultural operations are not subject to subsections (b) and (c) or the freeboard requirements of subsection (a), but shall provide a 12-inch freeboard for all waste storage ponds as defined in the "Pennsylvania Technical Guide" and a 6-inch freeboard for all waste storage structures at all times:

(1) An agricultural operation which contains less than 1,001 animal equivalent units.

(2) An agricultural operation in existence prior to January 29, 2000, and designed in accordance with the "Pennsylvania Technical Guide" and addenda or amendments thereto.

(e) This section does not apply to residual waste processing, disposal, treatment, collection, storage or transportation.

**§ 91.36. Pollution control and prevention at agricultural operations.**

(a) *Animal manure storage facilities.* Except as provided in paragraphs (1) and (2), animal manure storage facilities do not require a water quality management permit from the Department if the design and operation of the storage facilities are in accordance with the Department approved manure management practices as described in the publication entitled "Manure Management for Environmental Protection" and addenda or amendments thereto prepared by the Department, "The Pennsylvania Technical Guide" and addenda and amendments thereto, and when applicable, § 83.351 (relating to minimum standards for the design, construction, location, operation, maintenance and removal from service of manure storage facilities) and each animal manure storage

facility is designed to prevent discharges to surface waters during a storm event of less than a 25-year/24-hour storm. In addition, in the case of animal manure storage facilities located at animal operations with over 1,000 animal equivalent units on or before January 29, 2000, a water quality management permit is not required if a registered professional engineer certifies that the design and construction of each manure storage facility is consistent with the "Pennsylvania Technical Guide."

(1) A permit is required under § 91.35 (relating to wastewater impoundments) for the design, construction and operation of any new or expanded animal manure storage facility at an agricultural operation with more than 1,000 animal equivalent units. In addition to the requirements of § 91.35, the permit shall incorporate the requirements of this section.

(2) If a person chooses to design or construct manure storage facilities using criteria other than those described in "Manure Management for Environmental Protection" prepared by the Department and the "Pennsylvania Technical Guide" and addenda or amendments to those publications, approval of the Department or a permit under § 91.35 will be required. Operations which are required to or volunteer to submit nutrient management plans shall comply with the nutrient management regulations in Chapter 83 (relating to State Conservation Commission).

(b) *Land application of animal manure.* The land application of animal manures does not require a permit from the Department if the land application of manure is in accordance with the Department approved manure management practices as described in the publication entitled "Manure Management for Environmental Protection" and addenda or amendments thereto prepared by the Department. If a person chooses to apply animal manure using criteria other than those described in "Manure Management for Environmental Protection" and addenda or amendments thereto prepared by the Department, approval of the Department or a permit will be required. Operations which are required to or volunteer to submit nutrient management plans shall comply with Chapter 83.

#### § 91.37. Private projects.

(a) The Department will not approve applications for sewerage permits for private sewerage projects to be located within the built-up parts of cities, boroughs and first and second-class townships unless the applicant can demonstrate a compelling public need for the project.

(b) Issuance of the sewerage permits will be limited to private sewerage projects located in the rural parts of first and second class townships, and for which areas there appears to be no present necessity for public sewerage.

#### § 91.38. Algicides, herbicides and fish control chemicals.

Except when the use of an algicide, herbicide or fish control chemical would be in violation of a specific order or permit, the use is authorized only in the following instances:

(1) Copper sulfate required to control algae in a source of public water supply when the use is under and in accordance with approval given by the Department.

(2) Chemicals required to control aquatic plants in surface waters and chemicals required for the management of fish populations where the use is under and in accordance with joint approval given by the Department and the Fish and Boat Commission.

### UNDERGROUND DISPOSAL

#### § 91.51. Potential pollution resulting from underground disposal.

(a) The Department will, except as otherwise provided in this section, consider the disposal of wastes, including stormwater runoff, into the underground as potential pollution, unless the disposal is close enough to the surface so that the wastes will be absorbed in the soil mantle and be acted upon by the bacteria naturally present in the mantle before reaching the underground or surface waters.

(b) The following underground discharges are prohibited:

(1) Discharge of inadequately treated wastes, except coal fines, into the underground workings of active or abandoned mines.

(2) Discharge of wastes into abandoned wells.

(3) Disposal of wastes into underground horizons unless the disposal is for an abatement of pollution and the applicant can show by the log of the strata penetrated and by the stratigraphic structure of the region that it is improbable that the disposal would be prejudicial to the public interest and is acceptable to the Department. Acceptances by the Department do not relieve the applicant of responsibility for any pollution of the waters of this Commonwealth which might occur. If pollution occurs, the disposal operations shall be stopped immediately.

(c) New wells constructed for waste disposal shall be subject to this section.

#### § 91.52. Procedural requirements for underground disposal.

A permit issued under § 91.51 (relating to potential pollution resulting from underground disposal) shall be issued in accordance with the requirements of Chapter 92 (relating to National pollutant discharge elimination system) when applicable.

### CHAPTER 97. INDUSTRIAL WASTES

§ 97.14. (Reserved).

§ 97.61. (Reserved).

§§ 97.71—97.76. (Reserved).

### CHAPTER 101. (Reserved).

§§ 101.1—101.6. (Reserved).

§ 101.8. (Reserved).

[Pa.B. Doc. No. 00-166. Filed for public inspection January 28, 2000, 9:00 a.m.]

# Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 139]

Corrective Amendment to 25 Pa. Code  
§ 139.101(12)(ii)

The Department of Environmental Protection (Department) has discovered a discrepancy between the agency text of 25 Pa. Code § 139.101(12)(ii) (relating to general requirements) as deposited with the Legislative Reference Bureau and published at 27 Pa.B. 6804 (December 27, 1997) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 280) and as currently appearing in the *Pennsylvania Code*. The amendment adopted at 27 Pa.B. 6804 was never codified.

Therefore, under 45 Pa.C.S. § 901: the Department has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 139.101(12)(ii). The corrective amendment to 25 Pa. Code § 139.101(12)(ii) is effective as of March 7, 1998, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 139.101(12)(ii) appears in Annex A, with ellipses referring to the existing text of the regulation.

## ANNEX A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

##### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE III. AIR RESOURCES

#### CHAPTER 139. SAMPLING AND TESTING

##### Subchapter C. REQUIREMENTS FOR SOURCE MONITORING FOR STATIONARY SOURCES

#### § 139.101. General requirements.

This section applies to monitoring systems as defined in the manual referenced in § 139.102(3) (relating to references), installations required or approved under Chapters 122, 124, 127 and 129 or in an order issued under section 4 of the act (35 P. S. § 4004).

\* \* \* \* \*

(12) Required monitoring shall meet at least one of the following minimum data availability requirements unless other data availability requirements are stipulated elsewhere in this title, in a plan approval or permit condition under Chapter 127 (relating to construction, modification, reactivation and operation of sources), or in an order issued under section 4 of the act. For purposes of calculating data availability, "process down" time, as specified in the manual referenced in § 139.102(3), shall be considered valid time.

\* \* \* \* \*

(ii) In each calendar quarter, at least 95% of the hours shall be valid as set forth in the quality assurance section of the manual referenced in § 139.102(3).

\* \* \* \* \*

[Pa.B. Doc. No. 00-167. Filed for public inspection January 28, 2000, 9:00 a.m.]

# Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OSTEOPATHIC MEDICINE  
[49 PA. CODE CH. 25]

## Application Fees

The State Board of Osteopathic Medicine (Board) amends §§ 25.231 and 25.503 (relating to schedule of fees; and fees) by revising those fees which are not related to license renewals but rather to applications and specific services so as to accurately reflect the cost of processing applications and providing services.

### A. Effective Date

The amendments take effect upon publication in the *Pennsylvania Bulletin*.

### B. Statutory Authority

Section 13.1(a) of the Osteopathic Medical Practice Act (63 P. S. § 271.13a(a)), requires the Board to establish fees by regulation. The same provision requires the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures.

### C. Background and Purpose

Expenses of the Board which are related to processing individual applications or providing certain services directly to individual licensees or applicants are funded through fees which are based on the cost of providing the service. The fee is charged to the person requesting the service.

A recent systems audit within the Bureau of Professional and Occupational Affairs (Bureau) determined that the application and service fees did not accurately reflect the actual cost of processing the applications and performing the services. A detailed explanation of the background of these fees as well as a description of the fees was published at 29 Pa.B. 1613 (March 27, 1999).

### D. Summary of Comments and Responses on Proposed Rulemaking

Following publication of proposed rulemaking at 29 Pa.B. 1613, the Board did not receive comments from the general public. The Boards received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The following is the Board's response to those comments.

#### Certification and Verification Fee

The HPLC questioned under what circumstances the Board certifies an examination score. The HPLC and IRRC also requested an explanation of the difference between a verification and certification and an explanation of what accounts for the differential in fees.

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain a license in another state based upon a license in this Commonwealth which had been issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally the state of the original license is the only source of the score of the licensee, as testing agencies do not maintain this information. The licensing laws of many states include provisions that licensure by reciprocity or endorsement based on a license in another state will be granted only if the board or agency determines that the qualification are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the Board and other licensing boards certify the examination score the applicant achieved on the licensure examination.

As noted in proposed rulemaking the difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. States request different information when making a determination as to whether to grant a license based on reciprocity or endorsement from another state. The Bureau has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when the applicant applies to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee. In the case of a "verification" the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance and current expiration date and status of the license. The letter is printed from the Bureau's central computer records and sent to the Board staff responsible for handling the licensee's application. The letter is sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be 5 minutes. The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted in order to provide the information requested. The Board staff then seals and issues this document.

#### *Administrative Overhead*

IRRC requested that the Board and the Bureau thoroughly examine its cost allocation methodology for administrative overhead and itemize the overhead costs to be recouped by these fees. IRRC commented that although the methodology is reasonable, there is no indication that the fees will recover the actual overhead costs because there is no relationship to the service covered by the fees and because the costs are based upon past expenditures rather than projected expenditures. IRRC expressed the view that there is no certainty that the projected revenues

of the new fee will meet or exceed projected expenditures as required under the licensing boards' enabling statutes.

As IRRC noted, the adoption of a Bureau-wide averaged overhead for similar services was made when the fees were established in 1988 rulemaking. This methodology was approved by the House and Senate oversight Committees as well as IRRC. Legislative reviewers expressed a preference to "cost out" both user fees and operating revenue fees based upon actual, documented and verifiable factors as opposed to projected expenses or budgets that may never materialize. Thus, the Bureau has recommended and licensing boards have adopted fee schedules which are based upon actual expenditures. Legislative reviewers at that time felt that a procedure for "rounding up" actual fees would be a sufficient cushion to provide necessary surplus in nonbiennial revenue years and prior to the biennial reconciliation required under Board statutes. The Bureau and the licensing boards have used this methodology over 5 biennial reconciliation periods and have discovered this methodology results in relatively stable and reasonable fees.

The Bureau did consider a suggestion that the Bureau look into other methods of distributing administrative overhead expenses. Results obtained by applying a time factor were compared with the current methodology. The current method recouped 22% of the administrative overhead expenses versus 25% using a ratio based on a time factor. Board staff time varies between 23 and 28% to process a request for services for which user fees are charged. When this time factor calculation is combined with the licensee population the result is wildly varying costs for different licensees who are receiving the same services. For example, using that method to produce a verification letter would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Based upon this analysis the licensing Boards concurred in the Bureau's recommendation that the use of a Bureau-wide average administrative overhead charge of \$9.76 applied to verifications and certifications represented a fair allocation because the work product is essentially the same and because documented experience supports the charge.

IRRC requested that the Bureau and the licensing boards (1) itemize the overhead cost to be recouped by the fees and (2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the licensing boards' enabling statutes.

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



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

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

IRRC suggested that within each licensing board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay 1/2 as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the licensing boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead of charge obtained by applying IRRC suggested time factor versus the current method. This review of a licensing boards' operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each licensing board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau's method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

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

For these reasons, the licensing boards have not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed.

#### *Other Comments*

IRRC called attention to an apparent inconsistency in the text of the proposed rulemaking and the fee report, the document generated by the Bureau in support of the fee changes. The proposed rulemaking referred to a fee for certification of license, examination grades or hours. The fee report form referred only to a fee for certification of scores or hours. The proposed rulemaking was correct. The omission of the word "license" from the fee report was an oversight. A revised fee report has been prepared.

The HPLC requested information on how the proposed rulemaking would compare with regulations of other states and whether this Commonwealth would be placed at a competitive disadvantage as a result of this rulemaking. The fees for applications for a physician license and for application for physician assistant certificate are being reduced. Information received from the Ohio, Maryland and New Jersey licensing boards indicates the application fee for a physician license in those states is \$335, \$450 and \$325, respectively, significantly above the current and proposed fees. New York charges \$10 for verifying a license, but \$50 for certifying exam scores. Ohio does not charge a fee for verifying a license, but charges a fee of \$50 if the document must be signed by the executive director of the licensing board. The Board does not believe that the Commonwealth will be put at a competitive disadvantage by this rulemaking or that this rulemaking will have any impact on a practitioner's decision to practice in this Commonwealth.

#### *E. Fiscal Impact and Paperwork Requirements*

These final-form regulations will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The amendments will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *F. Sunset Date*

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

#### *G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 1613, to IRRC and to the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received as well as other documentation.

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

These final-form regulations were approved by the House and Senate Committee on December 7, 1999. IRRC met on January 6, 2000, and deemed approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

#### *H. Contact Person*

Further information may be obtained by contacting Gina Bittner, Administrative Assistant, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-4858.

I. *Findings*

The Board finds that:

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

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

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 1613.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Part B of this preamble.

J. *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by amending §§ 25.231 and 25.503 to read as set forth at 29 Pa.B. 1613.

(b) The Board shall submit this order and 29 Pa.B. 1613 to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and 29 Pa.B. 1613 and deposit them with the Legislative Reference Bureau as required by law.

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

DANIEL D. DOWD, Jr., D.O.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 465 (January 22, 2000).)*

**Fiscal Note:** Fiscal Note 16A-5310 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 00-168. Filed for public inspection January 28, 2000, 9:00 a.m.]

STATE BOARD OF PSYCHOLOGY  
[49 PA. CODE CH. 41]  
Application Fees

The State Board of Psychology (Board) amends § 41.12 (relating to fees) by revising certain application fees.

This rulemaking amends reapplication and certification fees and creates verification and fictitious/corporate name registration fees to reflect the Board's actual cost of providing the services.

Notice of proposed rulemaking was published at 29 Pa.B. 2145 (April 24, 1999). Publication was followed by a 30-day public comment period during which the Board received no public comments. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

The following is a response to the comments.

*Certification and Verification Fee*

The HPLC questioned under what circumstances the Board "certifies" an examination score. The HPLC and IRRC also requested an explanation of the difference between a verification and certification and an explanation of what accounts for the differential in fees.

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in this Commonwealth which was issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally the state of original licensure is the only source of the score of the licensee as testing agencies do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the Board or agency determines that the qualification are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the Board and other licensing boards certify the examination score the applicant achieved on the licensure examination.

As noted in proposed rulemaking, the difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. States request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau of Professional and Occupational Affairs (Bureau) has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when the applicant applies to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee. In the case of a "verification" the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance and current expiration date, and status of the license. The letters are printed from the Bureau's central computer records and sent to the Board staff responsible for handling the licensee's application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be 5 minutes. The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted to provide the information requested. The Board staff then seals and issues this document.

*Administrative Overhead*

IRRC requested that the Bureau and the boards: (1) itemize the overhead cost to be recouped by the fees; and

(2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the licensing boards enabling statutes.

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

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

IRRC suggested that within each licensing board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring  $\frac{1}{2}$  hour of processing time would pay  $\frac{1}{2}$  as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the licensing boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead of charge obtained by applying the IRRC suggested time factor versus the current method. This review of a licensing board's operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each licensing board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

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

For these reasons, the licensing boards have not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed.

#### *Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

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

#### *Fiscal Impact and Paperwork Requirements*

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

#### *Statutory Authority*

The final-form regulation is authorized under section 3.3(d) of the Professional Psychologists Practice Act (act), (63 P. S. § 1203.3(d)).

#### *Sunset Date*

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 24, 1999, the Board submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 2145, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing this final-form regulation the Board has considered the comments received from the Committees, IRRC and the public.

This final-form regulation was approved by the HPLC on December 7, 1999, and deemed approved by the SCP/PLC on December 20, 1999. IRRC met on January 6, 2000, and approved the regulation in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

*Contact Person*

Further information may be obtained by contacting Melissa Wilson, Administrative Assistant, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649; (717) 783-7155.

*Findings*

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

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

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 2145.

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

*Order*

The Board, acting under its authorizing statute, orders that:

(1) The regulations of the Board, 49 Pa. Code Chapter 41, are amended by amending § 41.12 to read as set forth at 29 Pa.B. 2145.

(2) The Board shall submit this order and 29 Pa.B. 2145 to the Office of General Counsel and to the Office of Attorney General as required by law.

(3) The Board shall certify this order and 29 Pa.B. 2145 and deposit them with the Legislative Reference Bureau as required by law.

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

YVONNE E. KEAIRNS, Ph.D.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 465 (January 22, 2000).)*

**Fiscal Note:** Fiscal Note 16A-636 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 00-169. Filed for public inspection January 28, 2000, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA.CODE CH. 63]

[L-00990141, M-00960799]

### Competitive Safeguards for Telecommunications Utilities

The Pennsylvania Public Utility Commission (Commission) on November 18, 1999, adopted a proposed rulemaking order establishing competitive safeguards directed at incumbent LECs and encouraging and promoting competition in the provision of telecommunications products and services throughout Pennsylvania and forbearing from the imposition of further imputation requirements on LECs other than Bell Atlantic-Pennsylvania, Inc. The contact persons are Carl Hisiro, Law Bureau, (717) 783-2812, and Gary Wagner, Bureau of Fixed Utility Services, (717) 783-6175.

#### Executive Summary

Under 66 Pa.C.S. § 3005(b) and (g)(2) (relating to competitive services), the Commission is required to establish regulations to prevent unfair competition, discriminatory access and the subsidization of competitive services through revenues earned from noncompetitive services. On March 23, 1999, the Commission issued an Advance Notice of Proposed Rulemaking to solicit comments from jurisdictional telecommunication utilities and other interested parties regarding the development of generic competitive safeguards under Chapter 30 of the Public Utility Code. That order also directed that the matter of imputation with regard to the provision of intraLATA services by incumbent local exchange carriers be consolidated with the rulemaking proceeding.

The proposed regulations establish competitive safeguards in furtherance of Chapter 30's mandate to encourage and promote competition in the provision of telecommunications products and services throughout Pennsylvania. The proposed rulemaking order also concludes that no additional rulemaking is required at this time on the issue of imputation for the delivery of intraLATA services by incumbent local exchange carriers other than Bell Atlantic-Pennsylvania, Inc., which is subject to an imputation requirement by order in a separate proceeding.

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

Public Meeting held  
November 18, 1999

#### Proposed Rulemaking Order

#### By the Commission:

This proposed rulemaking establishes competitive safeguards in furtherance of the provisions of Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001—3009 (code), and Chapter 30's mandate to encourage and promote competition in the provision of telecommunications products and services throughout this Commonwealth. This Order also concludes that no additional rulemaking is required at this time on the issue of imputation for the

delivery of intraLATA services by incumbent local exchange carriers other than Bell Atlantic-Pennsylvania, Inc.

#### A. Background and Procedural History

At the Public Meeting of March 18, 1999, the Commission entered an order directing that an Advance Notice of Proposed Rulemaking be issued to solicit comments regarding the development of generic competitive safeguards under sections 3005(b) and 3005(g)(2) of the code. That order also directed that the matter of imputation<sup>1</sup> with regard to the provision of intraLATA service by local exchange carriers (LECs) be consolidated with the rulemaking proceeding. The Advance Notice was published April 10, 1999, at 29 Pa.B. 1895, and comments and reply comments on these issues were thereafter received from a number of interested parties.

Section 3005(b) and (g)(2) of the Code, require the Commission to establish regulations to protect competition by preventing the subsidization of competitive services through revenues earned from noncompetitive services. Specifically, section 3005(b) requires regulations aimed at preventing unfair competition and ensuring that LECs provide reasonable nondiscriminatory access to its services and facilities by competitors. Section 3005(g)(2) requires regulations governing the allocation of costs for telephone services to prevent subsidization or support for competitive services with revenues earned or expenses incurred in conjunction with noncompetitive services.

The issue of competitive safeguards,<sup>2</sup> including the establishment of Competitive Safeguards Regulations,<sup>3</sup> was initially addressed by this Commission in its June 28, 1994 Final Order at Docket No. P-00930715 disposing of the Bell Atlantic-Pennsylvania, Inc. (BA-PA) Petition for Alternative Regulation filed under 66 Pa.C.S. §§ 3001—3009 (hereinafter referred to as Chapter 30).<sup>4</sup> The Bell Chapter 30 Order, however, referred the issue of establishing Competitive Safeguard Regulations to the Office of Administrative Law Judge (OALJ), and instructed the OALJ to use the Commission's Alternative Dispute Resolution (ADR) process to address and resolve several issues.<sup>5</sup>

The issues referred to the OALJ in that order were cost allocation, unbundling, and imputation associated with competitive safeguards. We also directed that a separate proceeding be established to promulgate generic regulations applicable for all LECs filing for alternative rate regulation under Chapter 30. Consistent with these instructions, the OALJ opened a Competitive Safeguards Proceeding at M-00940587.

Following the publication of a Notice of Investigation Into Competitive Safeguards, the Commission received comments and reply comments from a number of interested parties. On August 6, 1996, we entered a final order in the Competitive Safeguards proceeding that was lim-

<sup>1</sup> "Imputation" is a term of art. The term generally refers to those requirements necessary to ensure that an incumbent local exchange carrier (ILEC) incorporates in its cost-of-service calculations the same access charges on itself as it imposes on other competitors for the delivery of any service function that both the ILEC and its competitors need to deliver a service.

<sup>2</sup> The term "Competitive Safeguards" is a generic term referring to the multiple protections needed to foster competition in any specific industry that was previously regulated.

<sup>3</sup> The term "Competitive Safeguard Regulations" refers to the regulations required by sections 3005(b) and 3005(g)(2) of the Public Utility Code.

<sup>4</sup> *In Re Bell Atlantic-Pennsylvania, Inc.'s Petition and Plan for Alternative Form of Regulation Under Chapter 30*, Dkt. No. P-00930715 (Order entered June 28, 1994) (Bell Chapter 30 Order).

<sup>5</sup> *Id.* at 113-14.

ited to Bell-specific competitive safeguards.<sup>6</sup> The competitive safeguards approved by the Commission were submitted by BA-PA as part of its Chapter 30 competitive services deregulation plan, as modified by the Competitive Safeguards Order.

On September 9, 1996, in a separate proceeding, we entered an order regarding implementation of the Federal Telecommunications Act of 1996 (TA-96).<sup>7</sup> The TA-96 Implementation Order addressed intraLATA services by BA-PA, but did not resolve the question of imputation for the delivery of intraLATA services by ILECs other than BA-PA.

#### B. Rulemaking Issues and Associated Comments

As already noted, we opened the instant rulemaking at the March 18, 1999 Public Meeting by issuance of an Advance Notice of Proposed Rulemaking. The purpose of this Notice was to provide all LECs and other interested parties an opportunity to provide comments and reply comments on the need for developing generic competitive safeguards. We specifically asked for comments on cost allocation, unbundling, imputation, and on any other issues the parties thought would be appropriate in developing Competitive Safeguard Regulations under Chapter 30. We also invited parties to submit proposed regulatory language for consideration.

On or about May 25, 1999, the Commission received initial comments from BA-PA, AT&T Communications of Pennsylvania, Inc. (AT&T), The United Telephone Company of Pennsylvania and Sprint Communications Company, L.P. (Sprint), GTE North Incorporated (GTE), the Pennsylvania Telephone Association (PTA), and the Telecommunications Resellers Association (TRA). Reply comments were thereafter filed on or about June 24, 1999, by BA-PA, AT&T, Sprint, PTA, and the Office of Trial Staff (OTS).

According to BA-PA, any regulations promulgated by the Commission should be governed by three overriding principles: 1) any regulation should be competitively neutral and should be equally imposed on all LECs and not just incumbents, that is, the doctrine of regulatory parity should be preserved as between ILECs and competitive local exchange carriers (CLECs); 2) the regulations must safeguard competition, not protect competitors; and 3) the regulations should not burden competitive services offered by LECs with any more additional obligations than is necessary to promote competition. BA-PA Comments at 2-4.

Applying these principles to the issues raised in our March 23, 1999 Order at this docket, BA-PA argues that the unbundling requirement, as interpreted in the August 6, 1996 Competitive Safeguards Order, which requires BA-PA to unbundle each network function that it uses to provide a competitive service, regardless of whether competitors actually need access to the function in order to provide competing services, is unnecessarily burdensome. *Id.* at 5-6; BA-PA Reply Comments at 6-8. BA-PA argues, instead, that the Commission should adopt the same standard recently imposed by the United States Supreme Court in *AT&T Corp. v. Iowa Utils. Bd.*, \_\_\_ U.S. \_\_\_, 119 S. Ct. 721 (1999), on the unbundling requirement

<sup>6</sup> *Investigation Pursuant to Section 3005 of the Public Utility Code to Establish Standards for Competitive Services*, Dkt. No. M-00940587 (Order entered August 6, 1996) (Competitive Safeguards Order).

<sup>7</sup> *Implementation of the Telecommunications Act of 1996*, Dkt. No. M-00960799 (Order on Reconsideration entered September 9, 1996) (TA-96 Implementation Order). This Order modified in certain respects an earlier order entered on June 3, 1996, to implement TA-96. The June 3, 1996 Order found, *inter alia*, that all noncompetitive intraLATA toll services provided by any LEC should be subject to an imputation requirement. The September 9, 1996 Order suspended the imputation requirement as applied to all LECs other than BA-PA.

contained in section 251(c)(3) of TA-96. This standard would require a LEC to provide the unbundled network element to competitors only where "necessary to provide competing services to consumers." BA-PA Comments at 7. *See also* BA-PA Reply Comments at 7-8. Otherwise, BA-PA asserts, unrestricted unbundling would discourage investment and innovation in local network facilities by new entrants and would undermine those competitors that have deployed their own networks from competing effectively against those competitors that simply lease the same facilities from the ILEC at total-element-long-run-incremental-cost (TELRIC) prices. BA-PA Reply Comments at 8-10.

As to imputation, BA-PA recommends that any "competitive safeguards regulations only require LECs to impute the rates for 'necessary' BSFs [basic service functions], plus the total service long run incremental cost [TSLRIC] of non-necessary facilities, into the price charged for competitive services." BA-PA Comments at 8. Further, BA-PA asserts that imputation should be performed at the "service-market level," rather than at the individual customer level, so as to promote "one-stop shopping" for telecommunications services that is now in demand by business customers. In making this argument, BA-PA dismisses out-of-hand the proposition that more severe imputation rules are necessary to avoid "price squeezes" by ILECs, asserting that the federal antitrust laws are already in place to address this type of problem if it should occur, and noting through AT&T's own expert that "predatory behavior . . . is extremely unlikely to occur." BA-PA Reply Comments at 5.

Finally, BA-PA recommends that informational tariffs for competitive services should be eliminated and that requiring cost and revenue allocation studies imposes needless costs on services that are competitive in nature. BA-PA Comments at 10-12. On the informational tariff issue, BA-PA argues that competition may be thwarted if LECs are required to post their prices for all to see, "since competitors would have the advantage of knowing the LEC's prices when setting its [sic] own." *Id.* at 10.

AT&T contends, on the other hand, that imputation should be applied on a disaggregated basis, apply to all ILECs, and include all BSFs that the ILEC uses to provide services. AT&T Comments at 4-13; AT&T Reply Comments at 4-8. AT&T asserts that section 3005 of the Public Utility Code requires that "each telecommunications service must pass an imputation test." AT&T Comments at 5 (emphasis in original). Otherwise, applying imputation on an aggregated basis would allow an ILEC to price individual services below the rates for the BSFs that the ILEC uses to provide the same service, which in turn would allow the ILEC to price discriminate by charging less where competition was robust and charging more where there was little or no competition. *Id.* AT&T then cites to several earlier Commission orders as precedent for its position. *Id.* at 6-7.

AT&T further argues that we should reject BA-PA's argument that imputation should only apply to those BSFs that are deemed "necessary" for the provision of a competitor's service. In making this argument, AT&T asserts that the Commission need not and should not rely on the United States Supreme Court's recent decision in *AT&T Corp. v. Iowa Utils. Bd.*, \_\_\_ U.S. \_\_\_, 119 S. Ct. 721 (1999), as this position is inconsistent with the plain language of Chapter 30. *Id.* at 8-9; AT&T Reply Comments at 4-6. That language, it contends, requires ILECs to unbundle all of the BSFs the ILEC uses to provide the competitive service under the same price, terms, and

conditions at which the BSFs are used in the ILEC's services, without regard to whether those BSFs are necessary or essential. AT&T Comments at 13-15; AT&T Reply Comments at 5-6.

AT&T also argues that BA-PA's suggestion that any competitive safeguards should apply equally to ILECs and CLECs under the doctrine of "regulatory parity" should be rejected because new entrants do not possess the type of market power that would warrant application of any such safeguards to them. AT&T Reply Comments at 3-4. Finally, AT&T recommends that the notice an ILEC uses to request classification of a service as "competitive" under section 3005 should be expanded to include the various factors that are required to show that the service is truly competitive. AT&T Comments at 17-19.

Sprint supports the Commission's efforts to adopt competitive safeguards that are generic in nature, but emphasizes that the safeguards must be uniform and consistently applied to all non-Bell ILECs. Sprint's Reply Comments at 1. In this regard, Sprint supports AT&T's position that the proposed regulations should be directed at ILECs only. However, Sprint disagrees with AT&T's position that imputation should be applied on a disaggregated, service-by-service basis. *Id.* at 2. Instead, it asserts, consistent with BA-PA's position, that intraLATA toll imputation should be on an aggregated, total service basis. *Id.* Sprint also recommends that there should be a 3-year transition period to an imputation standard for those non-BA-PA ILECs that do not meet such a standard today. *Id.* at 3.

On other issues, Sprint supports requiring the unbundling of any competitive services that involve the transmission of messages (as opposed to such services as billing and collection where its asserts unbundling should not be required), and argues that competitive services priced above TSLRIC cannot, by definition, involve unlawful cross-subsidization. Sprint Comments at 3-4. Finally, Sprint contends that new regulations are unnecessary under section 3005(b) as the language in the statute itself is sufficient for establishing the proper guidelines for Commission analysis of competitive services under that section of Chapter 30. *Id.* at 4.

The PTA asserts that ILEC-only imputation that is not applicable to interexchange carriers (IXCs) is one-sided and places the LECs at a serious competitive disadvantage. PTA Comments at 4; PTA Reply Comments at 2-3. This is because many IXCs are setting their toll pricing on a national level using flat rates that have no relationship to the access rates of any particular ILEC. Further, the PTA asserts ILECs at least can only provide intraLATA toll services, whereas IXCs can offer customers a complete package of toll services. Additionally, the PTA states that there is no concrete evidence that IXCs are unable to compete with the LECs in the intraLATA toll market, as demonstrated by the fact that IXCs have gained about a 30% market share since the introduction of competition in the intraLATA toll market in 1997. PTA Comments at 6-8.

On the issue of cross-subsidization and cost allocation, the PTA argues that cross-subsidies are equally possible with large, international IXCs as they are with ILECs. *Id.* at 8. In any event, PTA contends that the issue is mooted by the Chapter 30 process, which requires that Chapter 30 plans contain price cap provisions or provisions that require prices for competitive services cover their long run incremental cost. PTA Reply Comments at 4. The PTA also agrees with Sprint that creating competitive

safeguard regulations beyond the language already contained within Chapter 30 appears to be both redundant and unnecessary; that instead the regulations should simply mirror the language already contained in sections 3005(e) and (g). PTA Comments at 9-12. Finally, the PTA strongly disagrees with AT&T's attempt to expand the notice requirements to include the extensive evidentiary material that must be considered under section 3005(a)(1), claiming that such expansion will violate the plain language requirements usually mandated in customer notices. PTA Reply Comments at 5.

The TRA supports the adoption of competitive safeguard regulations as a necessary tool to protect and promote competition by preventing LECs from engaging in unfair competition. TRA Comments at 7-9. The TRA then focuses its substantive remarks on accounting and non-accounting safeguards that are particularly focused on BA-PA but are generally directed at other ILECs as well. *Id.* at 9-15. The TRA recommends accounting safeguards that focus upon cost allocation and affiliate transaction rules designed to protect ratepayers from subsidizing the competitive services offered by ILECs. In this regard, the TRA suggests consideration of the accounting rules used by the Federal Communications Commission (FCC) in Parts 32 and 64 of its regulations as a model for what is needed in this Commonwealth. In particular, the TRA urges regulations that would require the ILEC to conduct itself at arm's length with its affiliates, to reduce any agreements to writing and make them available for public inspection, and to agree to appropriate regulatory oversight through the use of audits. *Id.* at 12.

As to non-accounting safeguards, the TRA recommends at least functional separation between the ILEC and its affiliates with the affiliate or subsidiary being required to maintain its own books and records. *Id.* at 13. The TRA also suggests that the safeguards should prohibit the ILEC and its affiliates "from using in common any leased or owned physical property on which network facilities are located" or the sharing of computer software capacity. *Id.* 13-14. Finally, the TRA contends that ILECs should be required to provide unaffiliated entities the same goods or services that it provides itself or its affiliates at the same rates, terms, and conditions, and that disclosure of these transactions should be mandated. *Id.* at 14.

GTE takes the position that additional competitive safeguards at this time are not necessary. GTE concludes that existing FCC regulations provide sufficient competitive safeguards to prevent unfair competition. Similarly, according to GTE, imputation need not be addressed now because (1) there is no evidence that IXCs have been adversely affected by any pricing conduct on the part of ILECs, and (2) imputation is directly linked to universal service and access reform and those issues must first be resolved. GTE Comments at 1-4.

Finally, OTS in its reply comments disagrees with the PTA that imputation for non-BA-PA ILECs is not a necessary competitive safeguard, and disagrees with BA-PA that imputation should be performed at a service-market level. OTS Reply Comments at 1-3. The OTS argues that imputation at a service-market level "fails to protect against anticompetitive pricing arrangements because it would permit BA-PA to price individual toll services below the BSFs for that service, but to offset that by pricing other toll services at higher levels." *Id.* at 3. The OTS also argues that the Commission should not provide ILECs with the responsibility for determining whether to include rates for a competitive service in an informational tariff; that discretion must rest solely within the Commission. *Id.* at 3-4.

### C. Proceeding to Consider Global Resolution of Telecommunications Issues

At the Public Meeting following our decision in this proceeding to issue an Advance Notice of Proposed Rulemaking, we agreed to consolidate two competing petitions that attempted to resolve various significant and complicated telecommunications proceedings then pending before us.<sup>8</sup> Among the issues raised in that consolidated proceeding that are relevant to the instant rulemaking proceeding are the following: 1) what network elements BA-PA must unbundle and provide to competitors, 2) how intraLATA toll imputation should be calculated for BA-PA, and 3) what standards of conduct should be included in a Code of Conduct to prevent unfair competition and to ensure nondiscriminatory access to a LEC's services and facilities by competitors.

We resolved the consolidated proceeding, including the above three issues, by motion adopted at the August 26, 1999 Public Meeting, which motion was subsequently incorporated into an order entered September 30, 1999 (Consolidated Global Order). We, consequently, will look to the Consolidated Global Order, in addition to comments received to date in response to our Advance Notice, for guidance in developing proposed generic regulations in this proceeding.

### D. Discussion

The instant Order proposing generic competitive safeguard regulations aimed at preventing unfair competition and ensuring nondiscriminatory access to an ILEC's services and facilities by competitors under Chapter 30 of the Public Utility Code is a direct result of consideration of the above-described comments. We appreciate and thank all the commenting parties who provided worthwhile suggestions to aid the Commission in the development of its proposed regulations.

#### 1. Unbundling of Basic Service Functions

Chapter 30 is clear on its face that LECs must:

... unbundle each basic service function on which the competitive service depends and shall make the basic service functions separately available to any customer under nondiscriminatory tariffed terms and conditions, including price, that are identical to those used by the local exchange telecommunications company and its affiliates in providing the competitive service.

66 Pa.C.S. § 3005(e)(1). Under section 3002, each "basic service function" is defined as that basic component of the LEC's network that is "necessary to provide a telecommunications service and which represent the smallest feasible level of unbundling capable of being tariffed and offered as a service." Thus, whenever a LEC obtains competitive classification of any of its local services under Chapter 30, the LEC must unbundle the "basic service functions" used to provide that local service.

As the statutory language is clear on this point, there is no further need to create a regulation mandating this result. BA-PA's attempt, therefore, to impose the same "necessary and impair" standard that is imposed by TA-96 for unbundling network elements must be rejected in applying Chapter 30's own unbundling requirement. This conclusion is also consistent with this Commission's

<sup>8</sup> *Joint Petition of Nextlink Pennsylvania, Inc., et al. for Adoption of Partial Settlement Resolving Pending Telecommunications Issues*, Dkt. No. P-00991648; and *Joint Petition of Bell Atlantic-Pennsylvania, Inc., et al. for Global Resolution of Telecommunications Proceedings*, Dkt. No. P-00991649 (Order entered April 2, 1999, consolidating the two proceedings).

prior pronouncements on this issue. Consolidated Global Order at 67-68; Competitive Safeguards Order at 158.

#### 2. Imputation for IntraLATA Toll Services

Similarly, we are satisfied that no additional rulemaking is required at this time on the issue of imputation. In the recent Consolidated Global Order, we held, with respect to service level imputation, that BA-PA's total toll revenues must exceed total imputed switched access and carrier charges on an aggregated toll services level. Consolidated Global Order at 240-42. The Consolidated Global Order, which closed the docket at M-00960799, as well as our earlier TA-96 Implementation Order, however, did not address the question of imputation for the delivery of intraLATA services by ILECs other than BA-PA.

In addressing this issue now, we agree with the PTA that there is no evidence that IXC's are unable to compete today with the ILECs in the intraLATA toll market. Further, we take administrative notice of the fact that the toll market is subject to increasingly intense price competition as many IXC's are setting their rates on a national level using flat rates that have no relationship with the access rates of any specific ILEC.<sup>9</sup> Finally, we know of no evidence to refute AT&T's own witness that predatory pricing is extremely unlikely to occur;<sup>10</sup> and, even if predatory pricing does occur, the Federal antitrust laws are already available to address this type of conduct. Frankly, we are wary of taking any regulatory action that may discourage the aggressive pricing of toll services by any and all competitors, including ILECs, in that market. We also note that we can always revisit this issue at a later date if there is evidence that ILECs are engaging in predatory pricing in intraLATA toll markets in this Commonwealth.

#### 3. Unfair Competition and Cross Subsidization Issues

We are proposing today a set of regulations in the form of a generic "Code of Conduct" that will be applicable to all ILECs to prevent unfair competition and cross-subsidization in any local exchange market within Pennsylvania. We believe these proposed regulations, in providing a comprehensive set of competitive safeguard rules under 66 Pa.C.S. § 3005(b), are necessary to prevent discrimination, cross subsidies, and other market power abuses by ILECs in their local exchange markets and are, therefore, in the public interest.

We note that parts of the proposed regulations are modeled after similar provisions contained in the "Code of Conduct" adopted for BA-PA and attached as Appendix C in the Consolidated Global Order. In addition, as with the competitive safeguard regulations proposed for the Pennsylvania electric industry,<sup>11</sup> the instant regulations are directed only at the incumbent local exchange providers and their affiliates as the entities with market power that may be abused without adequate competitive safeguards in place.

In this regard, we reject BA-PA's position that any regulation should be equally imposed on all LECs and not

<sup>9</sup> Sprint, for example, has implemented a "Sprint Simply Five" plan which offers intrastate, intraLATA long distance to residential and business customers at a flat rate of 5¢ per minute and the payment of a monthly service charge. This plan is modeled after Sprint's national "Nickel Nights" interstate long distance plan which also charges customers a flat rate of 5¢ per minute on evenings and weekends. The other national IXC's, AT&T and MCI, have similar long distance plans in effect.

<sup>10</sup> A survey of recent court cases that involved predatory pricing claims, for example, found that the defendant prevailed in every case because the plaintiff was unable to prove one or more elements necessary to make out a successful claim.

<sup>11</sup> *Notice of Proposed Rulemaking Regarding the Establishment of Competitive Safeguards for the Pennsylvania Electric Industry*, Dkt. No. L-00980132 (Proposed Rulemaking Order entered February 13, 1998). We also note that the proposed regulations are modeled in part from provisions in the regulations proposed for the electric industry.



just incumbents under the doctrine of regulatory parity. Clearly, at present, ILECs have substantial market power in the local exchange markets they serve and CLECs do not. The Commission is cognizant that at least some CLECs have name recognition and sizable financial resources. However, without market power, CLECs cannot curb the entry of new providers by their control of bottleneck facilities, set prices above competitive levels, or engage in unlawful predatory pricing to eliminate competition. ILECs, with a nearly 100% market share currently in their respective local markets, on the other hand, do have the power to engage in this type of anticompetitive conduct.<sup>12</sup>

We recently took this same approach in adopting proposed streamlined tariff filing regulations for the telecommunications industry, noting that "regulatory parity" with respect to rate regulation between ILECs and CLECs is not appropriate until the playing field for specific services or business activities becomes more competitive/level." *Rulemaking Re Updating and Revising Existing Filing Requirement Regulations 52 Pa. Code §§ 53.52—53.53—Telecommunication Utilities*, Dkt. No. L-00940095, at 13 n.7 (Proposed Rulemaking Order entered September 30, 1999) (Streamlined Tariff Filing Order). The transition to competition in the local exchange markets requires the development of sufficient competitive safeguards to ensure that new entrants will have a fair and equal opportunity to compete for customers that previously belonged solely to the incumbent provider.

In developing our proposed competitive safeguard regulations, we have not prescribed rules restricting joint marketing between the ILEC and its retail marketing affiliates because we are not convinced that such a restriction is necessary to foster competition in the local exchange markets. This decision is based, in part, on the fact that the Commonwealth's largest ILEC, BA-PA, is already subject to a joint marketing restriction under section 272(g) of TA-96, 47 U.S.C. § 272(g), and, therefore, any further restriction by this Commission, at least as to BA-PA, is not necessary. We also reject BA-PA's request that informational tariffs for competitive services should be eliminated, as this issue is part of our rulemaking proceeding relating to streamlining tariff filing requirements.<sup>13</sup> Finally, we reject AT&T's request that the Commission expand the type of information required in a notice an ILEC uses to request "competitive" status classification under section 3005(a) as both unnecessary and contrary to the plain language requirements mandated in customer notices.

Accordingly, under 66 Pa.C.S. sections 501 and 1501 of the Public Utility Code, the Commonwealth Documents Law (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.251—7.235, we are considering adopting the proposed regulations set forth in Annex A, *Therefore*,

*It Is Ordered That:*

<sup>12</sup> This conclusion is supported by a substantial body of case law in the antitrust field, and by the recently enacted TA-96 which prohibits any Regional Bell Operating Company (RBOC) from entering the in-region interLATA telecommunications market until there is effective competition in the RBOC's local exchange market.

<sup>13</sup> In our proposed regulations in that proceeding, we provide that CLECs and ILECs offering competitive services must continue to file informational tariffs and price lists. See Streamlined Tariff Filing Order, Annex A, § 53.58(d). We should note that in that proceeding, BA-PA supports the proposed regulations, including the provision relating to the filing of informational tariffs for competitive services.

1. The proposed rulemaking at L-00990141 will consider the regulations set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review and comment to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*. The Secretary shall specify publication of the order in accordance with 45 Pa.C.S. § 727.

5. An original and 15 copies of any comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

6. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4579.

7. A copy of this order and Annex A shall be served upon the Pennsylvania Telephone Association, the Telecommunications Resellers Association, all jurisdictional telecommunication utilities, the Office of Trial Staff, the Office of Consumer Advocate, and the Small Business Advocate.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 57-210. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 63. TELEPHONE SERVICE**

**Subchapter K. COMPETITIVE SAFEGUARDS**

- Sec. 63.141. Statement of purpose and policy.
- 63.142. Definitions.
- 63.143. Code of Conduct.

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

This subchapter establishes competitive safeguards to assure the provision of reasonable nondiscriminatory access on comparable terms by ILECs to CLECs for all services and facilities necessary to provide competing telecommunications services to consumers, to prevent the unlawful cross subsidization or support for competitive services by ILECs, and to forbid unfair or deceptive practices. These competitive safeguards are intended to promote the Commonwealth's policy of establishing and maintaining an effective and vibrant competitive market for all telecommunications services.

**§ 63.142. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings:

*CLEC—Competitive local exchange carrier—* A telecommunications company that has been certificated by the Commission as a CLEC under the Commission's proce-

dures implementing the Telecommunications Act of 1996, the act of February 8, 1996 (Pub. L. No. 104-104, 110 Stat. 56), or under the relevant provisions of 66 Pa.C.S. § 3009(a) (relating to additional powers and duties).

*Competitive service*—A service or business activity offered by an ILEC or CLEC that has been classified as competitive by the Commission under the relevant provisions of 66 Pa.C.S. § 3005 (relating to competitive services).

*ILEC—Incumbent local exchange carrier*—A telecommunications company deemed to be an ILEC under section 251(h) of the Telecommunications Act of 1996 (47 U.S.C.A. § 251(h)).

*LEC—Local exchange carrier*—A local telephone company that provides telecommunications service within a specified service area. LECs encompass both ILECs and CLECs.

*Market price*—Prices set at market-determined rates or at tariffed rates, when applicable.

*Noncompetitive service*—A protected telephone service as defined in 66 Pa.C.S. § 3002 (relating to definitions) or a service that has been determined by the Commission as not a competitive service.

*Telecommunications service*—A utility service, involving the transmission of signaling, data and messages, which is subject to the Commission's jurisdiction.

#### § 63.143. Code of Conduct.

ILECs, unless otherwise noted, shall comply with the following requirements:

(1) An ILEC with more than 250,000 but less than 1,000,000 access lines shall maintain a functionally separate organization (the "wholesale operating unit") for the ordering and provisioning of any services or facilities to CLECs necessary to provide competing telecommunications services to consumers. The wholesale operating unit shall have its own direct line of management and keep separate books of accounts and records which shall be subject to review by the Commission under 66 Pa.C.S. § 506 (relating to inspection of facilities and records). For ILECs over 1,000,000 access lines, the Commission will determine for each such ILEC, after appropriate notice and hearing, whether this subsection will continue to apply or whether further safeguards will be necessary to protect CLECs from unfair competition and to ensure nondiscriminatory access to the ILEC's services and facilities. These other safeguards may include, for example, requiring the ILEC to structurally separate its retail and wholesale operations into separate corporate affiliates.

(2) An ILEC may not give itself (or any of its affiliates, divisions or operating units) or any CLEC any preference or advantage over any other CLEC in the ordering, provisioning or repair of any services that it is obligated to provide CLECs under any applicable Federal or State law.

(3) An ILEC's wholesale operating unit employees shall use CLEC proprietary information (that is not otherwise

available to the ILEC) received in the ordering, provisioning or repairing of any telecommunications services provided to the CLEC solely for the purpose of providing the services to the CLEC. An ILEC may not disclose the CLEC proprietary information to employees engaged in the marketing or sales of retail telecommunications services unless the CLEC provides prior written consent to the disclosure.

(4) An ILEC employee, while engaged in the installation of equipment or the rendering of services on behalf of a competitor, may not disparage the service of the competitor or promote any service of the ILEC.

(5) An ILEC employee, while processing an order for the repair or restoration of service or engaged in the actual repair or restoration of service of any competitor, may not either directly or indirectly represent to any end-user that the repair or restoration of service would have occurred sooner if the end-user had obtained service from the ILEC.

(6) An ILEC may not condition the sale, lease or use of any noncompetitive telecommunications service within the jurisdiction of the Commission on either of the following:

(i) The purchase, lease or use of any other goods or services offered by the ILEC.

(ii) A direct or indirect commitment not to deal with any CLEC.

(7) An ILEC may not use revenues earned or expenses incurred in conjunction with noncompetitive services to subsidize or support any competitive services. Specifically, an ILEC may not provide goods or services to any affiliate, division or operating unit at a price below the ILEC's cost or market price for the goods or services, whichever is higher. The ILEC may not purchase goods or services from any affiliate, division or operating unit at a price above the market price for the goods or services.

(8) An ILEC, its affiliates, divisions or operating units, may not state or imply any of the following:

(i) The services provided by the ILEC are inherently superior when purchased from the ILEC.

(ii) The service rendered by a competitor may not be reliably rendered.

(iii) The continuation of certain services from the ILEC are contingent upon taking the full range of services offered by the ILEC.

(9) An ILEC shall formally adopt and implement the provisions in this section as company policy and shall take appropriate steps to train and instruct its employees in their content and application.

(10) A party allegedly harmed by a violation of any of the provisions in this section may invoke the Commission's alternative dispute resolution procedures to resolve the dispute. That action, however, does not preclude or limit additional private remedies or civil action.

[Pa.B. Doc. No. 00-170. Filed for public inspection January 28, 2000, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 3800]

### Medication Administration Training for Child Residential and Day Treatment Facilities

#### *Scope*

This statement of policy applies to child residential facilities and child day treatment facilities potential training sources.

#### *Background*

Chapter 3800 (relating to child residential and day treatment facilities), apply to a variety of facilities that serve children with diverse needs. The regulations include a requirement for a nonmedically licensed/certified/registered staff person to administer medications to children, the person must complete a Department of Public Welfare (Department) approved training course.

Consumers, child advocates, service providers and licensing professionals within the Department have identified the importance of increasing safety protections associated with the administration of medications. The criteria and procedures contained in this statement of policy were developed as a result of extensive research of existing medication programs in this Commonwealth, involvement and discussions with external stakeholders, and review of medication administration policies for State operated children and youth programs, licensed child residential facilities and licensed community homes for individuals with mental retardation.

#### *Contact Person*

Refer comments and questions regarding this statement of policy to Karen E. Kroh, Director, Division of Licensing Regulation and Policy, Office of Licensing and Regulatory Management, Department of Public Welfare, 623 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-2207, Fax (717) 705-6955.

#### *Purpose*

The purpose of this statement of policy is to transmit criteria and procedures that the Department will apply when determining what will constitute a "Department-approved medication administration course" as specified in § 3800.188 (relating to medications administration training).

Medications administration training sources shall apply to and receive written approval from the Department prior to conducting medications administration training. The criteria established in this statement of policy provide the basis for the Department to review and approve medications training proposals.

The Department will maintain a listing of approved medication administration training sources. This list will be made available to all facilities under the scope of Chapter 3800.

The Department will monitor conformity with this statement of policy through its licensing inspections of facilities.

#### *Responsibility of Child Residential and Day Treatment Facilities*

Child residential and day treatment facilities are responsible for:

- Selecting the training source that they will use.
- Verifying that the selected training source is Department-approved.
- Assuring that all appropriate staff persons receive the required training and maintaining records to verify the medication administration training status of trained staff persons.
- Assuming costs associated with the training.
- Conducting and documenting evaluations of nonmedically licensed/certified/registered staff persons who administer medications.

#### *Time Frames for Submitting Training Proposals*

Organizations or individuals interested in being a Department-approved training source should submit a proposal including the elements specified in this statement of policy.

The criteria upon which approval will be based are developed to protect the health and safety of children, while allowing training providers reasonable flexibility to meet a variety of service provider needs and circumstances. Training received should prepare staff persons to have a level of competency that will assure children are adequately protected from the risks associated with the administration of medication.

#### *Effective Date*

This statement of policy was effective on December 31, 1999.

FEATHER O. HOUSTOUN,  
*Secretary*

*(Editor's Note: The regulations of the Department, 55 Pa. Code Chapter 3800, are amended by adding a statement of policy in § 3800.188a.)*

**Fiscal Note:** 14-BUL-060. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 55. PUBLIC WELFARE**

#### **PART V. CHILDREN, YOUTH AND FAMILIES MANUAL**

#### **Subpart E. RESIDENTIAL AGENCIES, FACILITIES AND SERVICES**

#### **CHAPTER 3800. CHILD RESIDENTIAL AND DAY TREATMENT FACILITIES MEDICATIONS**

#### **§ 3800.188a. Statement of policy for medications administration training.**

(a) *Scope of training proposal.* Training proposals may include any audience focus such as Statewide; one geographic area of this Commonwealth such as one region, county or city; a group of facilities; a single facility; or a specific program type (such as secure detention, mental retardation, day treatment, and the like).

(b) *Training methodology.* Three primary options for training methodology are envisioned by the Department.

The Department's intent is to allow for a variety of training methods. Training shall be delivered through direct, face-to-face interaction. Use of video, computer or teleconference training as the sole methodology is not permitted.

(1) *Train the Trainer.* This method trains trainers who in turn provide training to the staff persons who will be administering medications to the children.

(2) *Direct Training.* This method provides direct training to the staff persons who will be administering the medications to the children.

(3) *Combination.* This method combines the use of both the Train the Trainer and Direct Training methods.

(c) *Authorized instructors.*

(1) For both the Train the Trainer method and the Direct Training method, the trainer of trainers (in the Train the Trainer method) and the direct trainer (in the Direct Training Method) shall have one of the following levels of professional development:

- (i) A licensed physician.
- (ii) A licensed physician's assistant.
- (iii) A registered pharmacist.
- (iv) A registered nurse.
- (v) A certified registered nurse practitioner.
- (vi) A licensed practical nurse.

(2) The Trainer of Trainers and the direct trainer shall have experience in public speaking, teaching or staff development/training. Background experience in pediatric medicine and the provision of services to children is preferred.

(3) In the train the trainer method, the individual who is trained by the trainer of trainers (the mid-level trainer) shall meet the minimum qualifications for child care supervisor as specified in § 3800.54(d) (relating to child care supervisor) and shall be retrained by an approved training source at least every 2 years.

(d) *Proposal elements.* The following elements shall be contained in a proposal:

- (1) Anticipated date training will be available.
- (2) Targeted geographic area or program type.
- (3) Training methodology (for example, Train the Trainer, Direct Training or Combination)
- (4) Documentation that the trainers have the required level of professional development and experience, as specified in subsection (c) regarding authorized instructors, including a copy of the medical license, registration or certification.
- (5) A detailed, descriptive outline of the training curriculum.
- (6) A time schedule that describes the total time required to complete the training and each component of the training.
- (7) The maximum and minimum number of students that can be accommodated in any class.
- (8) A description of the teaching strategies and methods to be used.
- (9) The criteria to be applied to determine successful completion of the course including testing procedures to measure the trainee's ability in both knowledge and skill areas. Testing provisions must verify the competency of

staff persons for each component area of the training including demonstration of competence.

(10) The process to be followed in awarding a certificate to validate that course work has been successfully completed. A sample certificate to be issued by the training source should be included

(11) The process to be followed to assure that each staff person who has responsibility for administering medication to children is made aware that his certification status expires and that retraining is required once every 2 years as specified in § 3800.188 (a) (relating to medications administration training).

(12) A packet of sample training materials to be used in teaching the course.

(13) The method, resources, time schedule and any sampling procedures to be employed to complete quality assurance monitoring of the effectiveness of the training. Monitoring shall include onsite direct observation and monitoring of staff persons by medically licensed/certified/registered personnel of the training source, as well as a pre- and post-evaluation.

(14) The fee for training individuals or for group training.

(15) The record system to be maintained by the training source to accurately record persons enrolled, trained, issue and expiration dates of certificates, test results, quality assurance monitoring, and other components of this section.

(e) *Minimum core training content.* Training content shall include the following:

(1) *Instruction on reporting and observation skills.* The staff person should be skilled in observing and reporting changes in physical appearance, emotional adjustment and behavioral activity. The trained person shall be knowledgeable about the reporting of significant changes to the appropriate person within the appropriate time frames and procedures.

(2) *Types of medications and their effects.* Staff persons should understand and be able to recognize through observation skills, the desired, unwanted (both expected and unexpected), or absence of desired effects of medications including potential medication interactions. They should understand the categories of medicine including prescription and nonprescription medicines. They should understand the difference between controlled and non-controlled medicines.

(3) *Staff person responsibilities in the medication process.* Staff persons who have successfully completed training should know the limits of their ability to administer medications to children. They should be able to recognize and distinguish an individual's medication and know how to administer the proper dosage of medicine at the proper time. They should be skilled in the proper handling techniques during medication administration so that issues relating to infection control are addressed. Staff persons should know the circumstances under which they should contact the physician with questions regarding the administration of medications.

(4) *Handling emergency and health-threatening situations.* Staff persons should be knowledgeable with how to handle both emergency and nonemergency conditions. They need to know how to access immediate and direct response to an emergency situation such as an allergic reaction or respiratory arrest. They also need to know how to access regular medical support.

(5) *Facility specific policy and procedures.* Staff should have a thorough understanding of agency policies and procedures regarding medication administration.

(6) *Conveying information regarding modification administration.* Staff persons will need to understand how to elicit and convey information regarding medication administration. For example, how will information about a newly prescribed medication be communicated to other staff and other key adults who have responsibility relating to the child? How will coordination of information as available from various health care providers be communicated to all involved parties including those persons who will be responsible for assuring proper administration of medication when a child is away from the facility?

(7) *Administration of medication.*

(i) Staff persons need to be familiar with what they can expect to receive by way of instruction from the prescribing entity and know how to request and receive necessary clarifying information if needed.

(ii) Staff persons need to understand and accept the seven "rights" of medication administration: right person, right medication, right dose, right route, right time, right method and right position.

(iii) Staff persons shall know the agency policy specific to the medication administration process. They shall demonstrate proper procedures for administering medications.

(iv) Staff persons shall be able to determine when a medication error has occurred and what action should be taken.

(8) *Self-administration.* Staff persons shall be trained in their responsibilities to support and assist the child in self-administration of medications under the requirements of § 3800.189 (relating to self-administration of medications). The staff person should demonstrate the ability and willingness to appropriately instruct the child in the name, purpose and administration of that child's medications and actively encourage child participation in medication activities.

(9) *Regulatory requirements.* Staff shall understand and be able to carry out the requirements in §§ 3800.181—3800.189 (relating to medications). The facility shall conduct regular monitoring of staff persons to

assure compliance with the medication administration sections of the regulations.

(f) *Procedure for approval.*

(1) Submit four copies of the proposal to Director, Division of Licensing Regulations and Policy, Office of Licensing and Regulatory Management, 623 Health and Welfare Building, Post Office Box 2675, Harrisburg, Pennsylvania 17105-2675.

(2) The Department will provide a written response for each proposal application received. The response will either be an approval, disapproval, partial approval or a request for additional information. Rationale will be provided for any response other than an approval.

(3) Proposals approved by the Department will be approved for a specified length of time.

(4) The Department has the right to withdraw approval at any time based on evidence of violation with the conditions of the approved proposal, this section, this chapter or applicable law.

(5) Initial proposals may be submitted as of December 31, 1999, and may be submitted at any time thereafter.

(6) Resubmission of the training proposal for continued approval must be received by the Department at least 4 months prior to expiration of the current approval. If the original proposal is unchanged, a short summary of the proposal referencing the proposal already on file with the Department is sufficient for requesting continued approval.

(7) Approved training sources, who want to amend the scope, methodology, course instructor or training content of their approved proposal shall submit an amended proposal identifying any changes that are proposed.

(8) Training source applicants will be given an opportunity to submit additional information or clarifying information if needed by the Department, if additional information is needed by the Department to make a fair determination on the suitability of the application.

(9) Training may not begin until the training source has received a written approval from the Department.

[Pa.B. Doc. No. 00-171. Filed for public inspection January 28, 2000, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, no. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 18, 2000.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-13-00	Northwest Savings Bank Warren Warren County	45 Williamson Road Greenville Mercer County	Approved
1-13-00	Northwest Savings Bank Warren Warren County	30 Trinity Point Dr. Washington Washington County	Approved
1-13-00	Harris Savings Bank Harrisburg Dauphin County	Northeast Corner of Industry Drive and Columbia Avenue Lancaster Lancaster County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-13-00	The Drovers & Mechanics Bank York York County	<i>To:</i> 185 Memory Lane York York County  <i>From:</i> 200 Memory Lane York York County	Approved

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-13-00	First Commonwealth Bank Indiana Indiana County	Festival Foods 1275 York Road Gettysburg Adams County	Filed

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-172. Filed for public inspection January 28, 2000, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Approved Courses of Study under New Economy Technology Scholarship Act

The New Economy Technology Scholarship Act (June 23, 1999 (P. L. 159, No. 22)) (act) established an incentive scholarship program for Pennsylvania students to pursue higher education and training in science and technology fields to create a sustained pool of highly trained technology workers to improve the Commonwealth's ability to

attract and retain business. The act defines an approved course of study as "A program or curriculum offered by a postsecondary educational institution that provides instruction in science, technology and related fields and has been approved by the Department of Education (Department) in consultation with the Pennsylvania Human Resources Investment Council."

The current list of approved courses of study is published on the New Economy Technology Scholarship Program Application. The application may be obtained by calling PHEAA at (800) 692-7435, or by visiting PHEAA's web site, [www.pheaa.org](http://www.pheaa.org).

The list of approved courses of study will be reviewed biennially by the Secretary of Education or his designees, the Secretary of Community and Economic Development or his designees, and the Chief Operating Officer of the Human Resources Investment Council or his designees. Written public comments by individuals, groups or institutions will be accepted by the Department during the public comment period preceding the biennial review. The timeframe and instructions for the public comment period will be published in the *Pennsylvania Bulletin*.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-173. Filed for public inspection January 28, 2000, 9:00 a.m.]

**Professional Standards and Practices Commission; Application of Lindalee J. Slegelmilch for Reinstatement of Teaching Certificate; Doc. No. RE-99-02**

*Notice of Opportunity for Hearing and Invitation to Protest*

Under the Teacher Certification Law (24 P. S. §§ 2070.1—2070.18) (Law), the Professional Standards and Practices Commission (Commission) will consider the application of Lindalee Slegelmilch for reinstatement of her teaching certificate.

Lindalee Slegelmilch filed an application for reinstatement of her teaching certificate as stated under section 16

of the Teacher Certification Law (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to the General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.14 (relating to reinstatements). Under section 16 of the Law, the Department of Education (Department) on December 30, 1999, opposed Lindalee Slegelmilch's reinstatement.

In accordance with the Law, the General Rules of Administrative Practice and Procedure and 22 Pa. Code § 233.14(d) (relating to waiver of hearing), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,  
*Executive Director*

[Pa.B. Doc. No. 00-174. Filed for public inspection January 28, 2000, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### 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 field office indicated 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.

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

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

**PA 0008524.** Industrial waste, SIC: 3674, **Intersil Corporation, Inc.**, 125 Crestwood Road, Mountaintop, PA 18707.

This proposed action is for renewal of an NPDES permit to discharge treated noncontact cooling water into Bow Creek in Wright Township, **Luzerne County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.20 mgd are:

<i>Parameter</i>	<i>Monthly Average °F</i>	<i>Instantaneous Maximum (mg/l)</i>
<i>Temperature</i>		
January	53	
February	53	
March	66	
April	68	
May	68	
June	77	
July	79	
August	78	
September	71	
October	63	
November	59	
December	58	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine	0.30 (mg/l)	0.60

The EPA waiver is in effect.

**PA 0063363.** Industrial waste, SIC: 3083, **S. L. Plastics, Inc.**, 2860 Bath Pike, Upper Nazareth, PA.

This proposed action is for renewal issuance amendment of an NPDES permit to discharge treated cooling water and sewage into Monocacy Creek in Upper Nazareth Township, **Northampton County**.

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

Effluent requirements were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 007 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		22	
NH <sub>3</sub> N			
(5-1 to 10-31)	1.5		3
(11-1 to 4-30)	4.5		9
Total Suspended Solids		18	
Oil and Grease		29	
Dissolved Oxygen	minimum of 5 at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	1		2
pH	6 to 9 standard units at all times		

The EPA waiver is in effect.



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

**PA 0023183 A1**, Sewage, SIC: 4952, **Borough of Mount Holly Springs**, 200 Harman Street, Mount Holly Springs, PA 17065.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Mountain Creek, in Mount Holly Springs Borough, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.60 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30	—	40
(11-1 to 4-30)	25	40	—	50
Total Suspended Solids	30	45	—	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2.5	—	—	5
(11-1 to 4-30)	7.5	—	—	15
Total Phosphorus	2	—	—	4
Interim Total Residual Chlorine	0.5	—	—	1.6
Final Total Residual Chlorine	—	—	—	—
Total Nitrogen	—	—	monitor and report	—
Dissolved Oxygen			minimum of 5.0 at all times	
pH			From 6.0 to 9.0 inclusive	
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		26,000/100 ml as a geometric average		

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

The EPA waiver is in effect.

**PA 0070271**. Sewage, SIC: 4952, **Maidencreek Township Authority**, P. O. Box 529, Blandon, PA 19510-0529.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Willow Creek, in Ontelaunee Township, **Berks County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 9-30)	20	30	40
(10-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	6.0	—	12
(11-1 to 4-30)	18	—	36
Total Residual Chlorine	monitor and report	—	XXX
Total Copper	monitor and report	XXX	XXX
Dissolved Oxygen			minimum of 6.0 at all times
pH			from 6.0 to 9.0 inclusive
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 0.80 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 9-30)	7	10	14
(10-1 to 4-30)	14	20	28
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Total Residual Chlorine	0.17		0.55
Total Copper	0.021		0.042
Dissolved Oxygen		minimum of 6.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

*Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street—Suite 101, Williamsport, PA 17701-6448, (570) 327-3666.*

**PA 0113221.** SIC: 4952, **Youth Challenge International Bible Institute**, R. D. 2 Box 33, Sunbury, PA 17801.

This proposed action is for the renewal of an NPDES permit for an existing discharge of treated sewage to Shamokin Creek in Upper Augusta Township, **Northumberland County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located 65 miles below the discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.019 mgd are:

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
C-BOD <sub>5</sub>	25	50
Suspended Solids	30	60
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		2,000/100 ml as a geometric average
pH		6.0—9.0 at all times
Free Chlorine Residual		monitor and report
Other Considerations:		none

The EPA waiver is in effect.

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

**PA 0098469.** Sewage, **Community Bank, Pioneer Office**, 100 North Market Street, Carmichaels, PA 15320.

This application is for renewal of an NPDES permit to discharge treated sewage from the Community Bank Sewage Treatment Plant in Center Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Fork Tenmile Creek, which are classified as a high quality-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 Tri County Joint Municipal Authority on the Monongahela River.

*Outfall 001:* existing discharge, design flow of 0.0001 mgd.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia Nitrogen (5-1 to 10-31)	4			8
(11-1 to 4-30)	12			24
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0218316.** Sewage, **Dunbar Township Municipal Authority**, P. O. Box 815, Connellsville, PA 15425.

This application is for issuance of an NPDES permit to discharge treated sewage from Dunbar Township Municipal Authority STP in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny 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: Westmoreland County Water Company.

*Outfall 001:* existing discharge, design flow of 0.3 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0223018.** Sewage. **Farmington Township**, R. D. 2, Box 2265, Russell, PA 16345.

This application is for a new permit and a new discharge treated sewage. This is a minor discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA/NY State Line approximately 4.5 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of .02 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	CBOD <sub>5</sub>	25	40
TSS	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		27
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	4,600/100 ml as a geometric average		
Total Residual Chlorine	.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

**PA 0221708.** Sewage. **Chicora Borough Sewer Authority**, Chicora Municipal Building, 112 Main Street, P. O. Box 35, Chicora, PA 16025-0035.

This application is for renewal of an NPDES Permit to discharge treated sewage to Buffalo Creek in Chicora Borough, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: high quality-cold water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the discharge point to Buffalo Creek.

The proposed effluent limits, based on a design flow of 0.201 mgd, are:

*Outfall No. 001 (after ultraviolet disinfection)*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	15	20
Total Suspended Solids	30	45	60
Ammonia Nitrogen (5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen	minimum of 7.0 mg/l at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,900/100 ml as a geometric average		
Total Phosphorus (as P) (4-1 to 10-31)	2		4
Nitrite plus Nitrate Nitrogen	15		30
pH	within limits of 6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0100102.** Sewage. **Proshort Stamping Services, Inc.**, P. O. Box 407, Falls Creek, PA 15840.

This application is for renewal of an NPDES Permit, to discharge treated waste to Unnamed Tributary to Wolf Run in Washington Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Hawthorn Water Authority on Redbank Creek located at river mile 28.0 and is located 56.9 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.000175 mgd are:

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

The EPA waiver is in effect.

**PA 0102482.** Sewage. **Green Acres Mobile Home Court**, 797 Pittsburgh Road, Butler, PA 16002.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Unnamed Tributary to Glade Run in Penn Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelienople Municipal Water Works intake on Connoquenessing Creek located at Zelienople, approximately 18 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.006 mgd are:

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia-Nitrogen (5-1 to 10-31)	2.5	5
(11-1 to 4-30)	7.5	15
Total Phosphorus (as P) (4-1 to 10-31)	2	4
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	3,100/100 ml as a geometric average	
Total Residual Chlorine	0.17	0.39
Dissolved Oxygen	minimum of 4.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0029491.** Sewage. **Clarion Area Authority**, 14 North Fifth Avenue, Clarion, PA 16214.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Trout Run in Monroe Township, **Clarion County**. This is a major discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Parker City intake on the Allegheny River located at Parker City, approximately 30 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 1.75 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	75,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

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

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled 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.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0028894	Fairfield Area School District 4840 Fairfield Road Fairfield, PA 17320	Adams County Hamiltonban Township	UNT to Spring Run	TRC
PA 0081051	Round Top Campground LP 180 Knight Rd. Gettysburg, PA 17325-8767	Adams County Cumberland Township	Plum Creek	TRC

## DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

### Applications under the Pennsylvania Clean Streams Law

#### (Part II Permits)

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

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

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

### Applications received for industrial waste and sewage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. To review any of these applications, contact Mary DiSanto at (717) 705-4732.*

**A. 0500401.** Sewage, submitted by **East Providence Township Municipal Authority**, P. O. Box 83, Municipal Lane, Breezewood, PA 15533, East Providence Township, **Bedford County** to construct gravity sewers and pump station to serve Graceville Road and South Breezewood was received in the Southcentral Region on January 12, 2000.

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

**A. 6500401.** Sewerage, **Outside-In School of Experiential Education**, R. D. 1 Box 293, Bolivar, PA 15923. Application for the construction and operation of a sewage treatment plant to serve the Outside-In School of Experiential Education located in Fairfield Township, **Westmoreland County**.

**A. 6570407-A4.** Sewerage, **Rostraver Township Sewage Authority**, 202 Port Royal Road, Belle Vernon, PA 15012. Application for the modification and operation of a sewage treatment plant to serve the Sweeney-Fellsburg WWTP located in Rostraver Township, **Westmoreland County**.

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

**WQM Permit No. 6200401.** Sewage, **Youngsville Borough**, 40 Railroad Street, Youngsville, PA 16371. This project is for the construction of reed drying sludge beds at an already existing sewage treatment plant in Youngsville Borough, **Warren County**.

**WQM Permit No. 6100401.** Sewage, **Mark C. Chalmers**, R. R. 1 Box 246, Kennerdell, PA 16374. This project is for the construction of a Single Residence Sewage Treatment Plant in Scrubgrass Township, **Venango County**.

**WQM Permit No. 2500401.** Sewage, **James J. and Norma J. Fialkowski**, 7831 Clemens Road, Union City, PA 16438. This project is for the construction of a Single Residence Sewage Treatment Plant in Union Township, **Erie County**.

### INDIVIDUAL PERMITS (PAS)

#### NPDES Individual

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

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

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

*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 PAS10Q084-R.** Stormwater. **Allan Goodman**, P. O. Box 1467, Bethlehem, PA 18016, has applied to discharge stormwater from a construction activity located in Lower Milford Township, **Lehigh County**, to Unami Creek.

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

**NPDES Permit PAS104104.** Stormwater. **National Fuel Gas Supply Corp.**, 1100 State Street, Erie, PA 16501, has applied to discharge stormwater from a construction activity located in Jones and Highland Townships, **Elk County**, Wetmore and Hamilton Townships, **McKean County** and Sheffield Township, **Warren County**, to Twomile Run and Tributaries, East Branch Tionesta Creek and Tributaries, West Creek and Tributaries to Bloody Run, West Run and Wolf Run.

## SAFE DRINKING WATER

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

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

**A. 0999513.** Public water supply. **Grey Nuns of Sacred Heart**, 1750 Quarry Road, Yardley, PA 19067. This proposal involves the installation of a corrosion control treatment and replacement of the gas chlorination system with a hypochlorite solution feed system in Lower Makefield Township, **Bucks County**.

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

**Permit No. 3699511.** Public water supply. **West Earl Water Authority**, West Earl Township, **Lancaster County**. *Responsible Official:* Robert Buckwalter, Superintendent of Operations, 157 West Metzler Road, Brownstown, PA 17508. *Type of Facility:* Replacement of the existing anion exchange facility at the Nolt Spring Treatment Plant. The existing nitrate treatment units will be removed and new equipment installed. *Consulting Engineer:* Joseph Gradischer, Hyder Consulting Inc., 270 Granite Run Drive, Lancaster, PA 17601. Application received November 9, 1999.

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

**A. 5500502.** The Department has received a permit application from **Adams Township Municipal Authority**, P. O. Box 1, Troxelville, PA 17882, Adams Township, **Snyder County** to construct a water storage tank, the interconnection piping for the well, spring and distribution system, and the replacement of most of the existing distribution system.

**A. 5500501.** The Department has received a permit application from **Shamokin Dam Borough**, 144 West Eighth Avenue, P. O. Box 273, Shamokin Dam, PA 17876, Shamokin Dam Borough, **Snyder County**, to construct a 250,000 gallon elevated water storage tank and demolition of an existing 75,000 gallon elevated welded steel water storage tank.

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

**1188507-A1. The Municipal Authority of the Borough of Portage**, 606 Cambria Street, Portage, PA 16602. Improvements to the Benscreek water system which include transmission mains, replacement/upgrade of water lines and a 500,000 gallon water storage tank serving Portage Township, Portage and Cassandra Boroughs, **Cambria County**.

**1100501. Jackson Township Water Authority**, 2949 William Penn Avenue, Johnstown, PA 15909. Improvements to the water system include construction of two water storage tanks, one along Mile Hill Road and one in the Village of Vinco; construction of water mains and upgrading of a booster pump station serving Jackson Township, **Cambria County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302, 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)(l)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified below proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified below, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

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

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

**Harvey Knechel Residence**, New Britain Township, **Bucks County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum 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 Intelligencer* on October 25, 1999.

**Moreland Business Park**, Lower Moreland Township, **Montgomery County**. Robert M. Byer, Jr., P.G., ATC Associates, Inc., 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19461, 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 standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on December 20, 1999.

**Sears Paint & Hardware Store**, East Marlborough Township, **Chester County**. Scott R. Mundell, P.G., Evans Mill Environmental, Inc., P. O. Box 735, 101 Fellowship Road, Uwchland, PA 19480-0735, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum 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 Daily Local News* on December 23, 1999.

**Merit Metals**, Warrington Township, **Bucks 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 PCBs, lead, heavy metals, pesticides and solvents. 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 Record* on December 29, 1999.

**Ashland, Inc.—Aston Chemical Distribution Facility**, Chester Township, **Delaware County**. Daniel P. Black, P.G., Ashland, Inc., P. O. Box 1063, Columbus, OH 43216, has submitted a Notice of Intent to Remediate site soil contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Times* on January 8, 2000.

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

**TRW, Inc., Valve Division**, Danville Plant, Danville Borough, **Montour County**. Joseph T. McNally, P.G., on behalf of his client TRW, Inc., 601 East Market Street, Danville, PA 17821, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Site-specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Danville News* approximately on December 17, 1999.

## SOLID AND HAZARDOUS WASTE

### RESIDUAL WASTE PROCESSING FACILITIES

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

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

**A. 301307. US Liquids**, R. J. Casey Industrial Park, Columbus and Adams Ave., Pittsburgh, PA 15233. An application for a permit re-issuance in the City of Pittsburgh, **Allegheny County**, was received in the Regional Office on January 13, 2000.



## HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

**A. PAD980550594. Sunoco Inc. (R&M),** Marcus Hook Refinery, P. O. Box 426, Marcus Hook, PA 19061-0426. This Part B renewal application was submitted for storage of hazardous wastes in containers. Facility located in Marcus Hook Borough, **Delaware County**. Application was received in the Southeast Regional Office on January 6, 2000.

**A. PAD002312791. Sunoco Inc.,** Frankford Plant, Margaret and Bermuda Streets, Philadelphia, PA 19137-1193. This Part B RCRA hazardous waste renewal application was submitted to re-authorize the management and storage of hazardous wastes in a container storage area and two aboveground storage tanks at the Plant. Facility located in the **City of Philadelphia**. Application was received in the Southeast Regional Office on December 30, 1999.

### 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. 101187.** An application to renew the land-fill permit under 25 Pa. Code § 271.223 was received from **County Landfill**, P. O. Box 237, State Route 36, Leeper, PA 16233, located in Farmington Township, **Clarion County**. Application was accepted by the Regional Office on January 7, 2000.

**Permit No. 300818.** An application to transfer solid waste from Duquesne Light Company to Orion Power MidWest, LLC, was received from **Orion Power MidWest, LLC**, P. O. Box 87, Pittsburgh, PA 15219-0087, located in Taylor Township, **Lawrence County**. Application was accepted by the Regional Office on January 11, 2000.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

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

time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

### OPERATING PERMITS

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

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

**21-317-013C: Purina Mills, Inc.** (475 St. John's Church Road, Camp Hill, PA 17011) for operation of six mineral storage bins controlled by fabric collectors in Hampden Township, **Cumberland County**.

**21-317-005B: Purina Mills, Inc.** (475 St. John's Church Road, Camp Hill, PA 17011) for operation of a truck dump unloading area controlled by a fabric collector in Hampden Township, **Cumberland County**.

**36-03096: Carvell & Rick, Inc.** (4437 Oregon Pike, Route 272 South, Ephrata, PA 17522-9584) for operation of a paint shop primer building in West Earl Township, **Lancaster County**.

**36-05019A: Supply Sales Co.** (1411 Lancaster Avenue, Columbia, PA 17512) for operation of a molding line controlled by a fabric collector at the Columbia Plant in Columbia Borough, **Lancaster County**.

**36-05019B: Supply Sales Co.** (1411 Lancaster Avenue, Columbia, PA 17512) for operation of a sprue crusher controlled by a fabric collector at the Columbia Plant in Columbia Borough, **Lancaster County**.

**36-05019C: Supply Sales Co.** (1411 Lancaster Avenue, Columbia, PA 17512) for operation of the South Melt Deck controlled by a fabric collector at the Columbia Plant in Columbia Borough, **Lancaster County**.

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

**08-399-038B: Osram Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848) for operation of 18 tungsten and molybdenum alloy annealing ovens and associated air cleaning devices (a fabric collector and HEPA filter) in Departments 012 and 090, Building 20 in North Towanda Township, **Bradford County**.

**08-399-023E: Osram Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848) for operation of metal powder handling equipment and a spray dryer and associated air cleaning devices (a cyclone, three fabric collectors and two absolute filters) in Building 28A in North Towanda Township, **Bradford County**.

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

**PA-10-079A: BNZ Materials, Inc.** (191 Front Street, Zelienople, PA 16063) for operation of an insulating fire brick process kiln in Zelienople, **Butler County**.

**PA-25-070B: Gunite EMI Corp.** (603 West 12th Street, Erie, PA 16501) for operation of Plant #1 spray paint booth in Erie, **Erie County**.

**PA-25-464A: Klein Plating Works, Inc.** (2020 Greengarden Road, Erie, PA 16502) for operation of automated plating and stripping lines in Erie, **Erie County**.

**PA-37-008A: Ellwood City Forge** (800 Commercial Avenue, Ellwood City, PA 16117) for operation of natural gas fired forge furnaces in Ellwood City, **Lawrence County**.

**PA-43-287A: Jones Performance Products, Inc.** (No. 1 Jones Way, P. O. Box 563, West Middlesex, PA 16159) for operation of a sheet mold compound compression molding operation in West Middlesex, **Mercer County**.

#### **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 (relating to operating permit requirements) and G (relating to 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 below. For additional information, contact the regional office noted below.

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 informa-

tion 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.*

**40-00006: Allsteel, Inc.** (425 Jaycee Drive, Valmont Industrial Park, West Hazleton, PA 18201) in Hazle Township, **Luzerne County**. The facility's major source of emissions include the office furniture manufacturing area which primarily emit Volatile Organic Compounds (VOCs).

**39-00040: Carpenter Co.** (P. O. Box 129, 57 Olin Way, Fogelsville, PA 18051) in Upper Macungie Township, **Lehigh County**. The facility's major source of emissions include the Plastic Material and Resins manufacturing area which primarily emit Volatile Organic Compounds (VOCs).

**39-00004: Mack Trucks, Inc.** (Box M, 2100 Mack Boulevard, Allentown, PA 18105-5000) for manufacturing of motor vehicles in Lower Macungie Township, **Lehigh County**.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.*

**TV-03-00197: Nature's Blend Wood Products, Inc.** (P. O. Box 392, Ford City, PA 16226-0392) for their wood kitchen cabinet manufacturing and finishing facility in Ford City, **Armstrong County**. As a result of the potential levels of VOC and HAPs emitted from this facility is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

#### **PLAN APPROVALS**

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

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

**PA-09-0057A: Ametek, Inc., U. S. Gauge Division** (900 Clymer Avenue, Sellersville, PA 18960) for a degreaser in Sellersville Borough, **Bucks County**.

**PA-46-0036B: Ford Electronics & Refrigeration, LLC** (2750 Morris Road, Lansdale, PA 19446) for installation of a selective soldering machine in Worcester Township, **Montgomery County**.

**PA-15-0067A: Herr Foods, Inc.** (273 Old Baltimore Pike, Nottingham, PA 19362) for construction of a natural gas fueled boiler and fryer in West Nottingham Township, **Chester County**.

**PA-09-0125A: Naceville Materials** (5031 Pt. Pleasant Pike, Doylestown, PA 18901) for modification of a crushing plant in Plumstead Township, **Bucks County**.

**OP-46-0012: Philadelphia Newspaper, Inc.** (800 River Road, Conshohocken, PA 19428) for a minor operating permit modification of a backup generator and fuel pump in Upper Merion Township, **Montgomery County**.

**46-399-091: Fluid Energy Processing and Equipment Co** (4th and State Streets, East Greenville, PA

18041) for a minor operating permit modification on a 14" gas fired dryer in East Greenville Borough, **Montgomery County**.

**OP-09-0027: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969) for a minor operating permit modification of Press Station 203 in West Rockhill Township, **Bucks County**.

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

**17-309-016C: TYK America, Inc.** (301 Brickyard Road, Clairton, PA 15025-3650) for modification of and installation of air cleaning devices (a refractory tunnel kiln and a thermal after burner) on a refractory products dryer in Irvona Borough, **Clearfield County**.

**17-305-045: King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866) for construction of a rotary coal breaker and diesel engine in Morris Township, **Clearfield County**. The rotary breaker is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

**59-304-008E: ACP Manufacturing Co. LLC** (P. O. Box 68, Blossburg, PA 16912-0068) for construction of three downdraft benches in Lawrence Township, **Tioga County**.

**08-399-047A: Osrsm Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848) for construction of three CVD phosphor coaters to be controlled by an existing air cleaning device (a catalytic oxidizer) in Department 210, Building 1 in North Towanda Township, **Bradford County**.

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

**PA-37-051D: Reactive Metals & Alloys Corp.** (Rt. 168, West Pittsburg, PA 16160) for installation of a packed tower wet collector at the existing SMS Grinding Process in West Pittsburg, **Lawrence County**.

**10-307-041A: Bear Metallurgical Co.** (679 East Butler Road, Butler, PA 16002) for construction of a thermite reaction, ferromolybdenum/ferrovanadium production line (2200 and 4800 lb/batch) in Summit Township, **Butler County**.

**PA-61-198A: Handsome Lake Energy, L.L.C.** (Township Route 406, Kenerdell PA 16374) for construction of a peaking electric generating facility, simple cycle combustion turbine facility using five Pratt & Whitney FT-8 Twin Pac combustion turbines with a total generating capacity of 250 Mega Watts, in Kennerdell, Rockland Township, **Venango County**. This construction is subject to Federal NSPS Standard 40 CFR Part 60, Subpart GG, and acid rain regulations defined in 40 CFR Parts 72, 73 and 75.

**PA-16-130A: Eden, Inc.** (Route 338, Knox, PA 16232) for construction of two dry filter paint booths for staining and painting wood moldings and doors in Knox, **Clarion County**.

**PA-37-279A: Lindy Paving Co.** (R. D. 1, Route 168, New Castle, PA 16105) for construction of a batch asphalt plant (400 tons/hour) with baghouse control in East Brook, Hickory Township, **Lawrence County**. This construction is subject to Federal NSPS 40 CFR Part 60, Subpart I.

## Public Hearing

### Occidental Chemical Corporation

#### Plan Approval Application Nos. PA-46-0015 and PA-46-0033 and Waste Management Disposal Services of PA, Inc. Waste Permit Application No. 100549

The Department of Environmental Protection (Department) will hold a joint public hearing on the above applications concerning Occidental Chemical Corp. boilers located at Armand Hammer Blvd., in Lower Pottsgrove Township, Montgomery County, and the Gas Management Plan Update for Waste Management Disposal Services of PA, Inc.'s Pottstown Landfill, in West Pottsgrove Township, Montgomery County. The public hearing will be held on March 15, 2000, at 7 p.m. at the Pottstown High School Auditorium.

Copies of the above application are available for public review at the Department's Southeast Regional Office and the Pottstown Public Library. Individuals wishing to review the complete public file on the application at the Department's Southeast Regional Office should call (610) 832-6268 to schedule an appointment.

The Department will also take comments on the related applications filed by Waste Management Disposal Services of PA (Pottstown Landfill). Air Quality Plan Approval PA-46-0033 and Solid Waste Management Application No. 100549 revises the landfill's gas disposal method. The Pottstown Landfill Gas Management Plan Update proposes an alternative method for the landfill to manage landfill gas that is generated onsite.

Under the Waste Management Disposal Services proposal, landfill gas will be provided to Toro Energy. Toro Energy proposes to process the gas under General Permit WMGM001, and provide the processed gas as a low to medium BTU fuel for offsite use, such as in Occidental Chemical's boilers.

Based on the information provided by the applicant and the Department's own analysis, the Department would place the following conditions in the proposed Air Quality Plan Approval to assure compliance with the applicable standards:

#### General Requirements:

1. This Plan Approval is issued to the Occidental Chemical Corporation to allow the burning in its boilers of landfill gas from Pottstown Landfill located at 1425 Sell Road, West Pottsgrove Township, Montgomery County.

2. This Plan Approval authorizes temporary operation using landfill gas for the sources covered by this Plan Approval provided the following conditions are met:

a. The Department must receive written notice from the owner/operator of intent to commence firing landfill gas at least 5 working days prior to the first firing of landfill gas. The notice shall state when operator expects to commence firing landfill gas.

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

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of

commencement of operation, provided the Department receives notice from the owner/operator under subpart (a), above.

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

e. The notice submitted by the owner/operator under subpart (a), above, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

3. The company shall comply with all of the existing requirements of Plan Approval No. 46-302-207, unless specifically revised by this Plan Approval. The provisions in this Plan Approval shall be construed to supersede any contrary provisions in Plan Approval No. 46-302-207.

#### *Operating Requirements:*

1. The landfill gas stream shall be introduced into the boiler flame zone.

2. The nonmethane organic compounds (NMOC) in the landfill gas shall be reduced by 98% by weight or the boiler outlet NMOC concentration shall not exceed 20 parts per million by volume, dry basis as hexane at 3% O<sub>2</sub>.

3. The boilers shall be operated within the temperature ranges, which shall be established during the stack test required.

#### *Emission Limits:*

The burning of the landfill gas shall not result in an impact on ambient air quality greater than the following:

<i>Contaminant</i>	<i>Ambient Concentration (ug/m<sup>3</sup>)</i>
PCDD and PCDF expressed as 2, 3, 7, 8 TCDD Equivalents	0.30 × 10 <sup>-7</sup>
Arsenic and Compounds	0.23 × 10 <sup>-3</sup>
Beryllium and Compounds	0.42 × 10 <sup>-3</sup>
Cadium and Compounds	0.56 × 10 <sup>-3</sup>
Nickel and Compounds	0.33 × 10 <sup>-2</sup>
Hexavalent Chromium and Compounds	0.83 × 10 <sup>-4</sup>
Lead and Compounds	0.09
Mercury and Compounds	0.24 × 10 <sup>-1</sup>
Hydrogen Chloride	7.0

The owner shall demonstrate compliance with the above levels using the actual stack emission rates, the exhaust parameters determined from stack testing and the Department's approved modeling techniques.

#### *Test Requirements:*

a. Within 60 days after achieving the maximum production rate, but no later than 180 days after the initial landfill gas is fired, the owner/operator shall conduct performance tests in accordance with Chapter 139 of the Rules and Regulations of the Department to determine the NMOC reduction efficiency, the NMOC exhaust concentration (parts per million by volume in the concentration of the metals and dioxins listed above), and the combustion temperature ranges. The tests shall be con-

ducted while the boilers are operating at their maximum rated capacity as stated in the application.

b. At least 60 days prior to the test, the company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

c. At least 30 days prior to the test, the Regional Manager shall be informed of the date and time of the test.

d. Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Manager for approval.

#### *Monitoring Requirements:*

1. The owner/operator shall calibrate, maintain and operate in accordance with the manufacturer's specifications the following equipment:

a. A combustion temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ±1% of the temperature being measured expressed in degree Celsius or ±5°C, whichever is greater.

b. A landfill gas flow measuring device which records the flow to each of the boilers at least every 15 minutes.

2. Phase I Department approval must be obtained for the temperature and gas flow rate monitors required above prior to initial firing of landfill gas in the source. Phase III Department approval must be obtained within 60 days of achieving the maximum production rate at which the source will be operated, but not later than 180 days after initial startup of the source. Department review time for the Phase III report (time between postmark of company's Phase III report and the postmark of the Department's response letter) will not be charged against the source in determining compliance with this condition. Information on obtaining Department approval is included in the Department's Continuous Source Monitoring Manual.

#### *Recordkeeping and Reporting Requirements:*

1. The owner/operator shall keep records for boiler combustion temperature and the landfill gas flow rate.

2. Records required under this Plan Approval shall be kept for a period of 5 years and shall be made available to the Department upon request.

The Department will consider testimony relevant to the requirements of the Solid Waste Management Act and the Air Pollution Control Act. Interested persons may testify during the hearing within the time provided. Individuals who want to present testimony at this hearing should contact Lynda Rebarchak at (610) 832-6219 at least 1 week prior to the hearing to reserve a time slot. Oral testimony is limited to no more than 5 minutes for each witness, no more than 10 minutes for those testifying on behalf of a group. Witnesses are requested to submit a copy of their testimony at the time of the hearing.

Parties may also submit written comments during the 30-day post-hearing comment period to: John J. Kennedy, Assistant Regional Director, DEP Southeast Region, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

After the hearing, the Department will prepare a summary of the relevant written and oral testimony submitted at the hearing and the Department's responses

to that testimony. Copies of this summary will be provided to all who submitted comments and to others, as requested.

Individuals in need of accommodations as provided for in the Americans with Disabilities Act who would like to attend the hearing should contact Lynda Rebarchak at (610) 832-6219 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

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

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

#### *Coal Applications Received*

**54813040R3. Sunray Coal, Inc.**, (P. O. Box 226, Gilberton, PA 17934), renewal of an existing anthracite surface mine operation in Butler Township, **Schuylkill County** affecting 440.0 acres, receiving stream—Mahanoy Creek. Application received January 6, 2000.

**40940203R. Hudson Anthracite, Inc.**, (202 Main Street, Laflin, PA 18702), renewal of an existing coal refuse reprocessing operation in Jenkins Township, **Luzerne County** affecting 149.9 acres, receiving stream—none. Application received January 10, 2000.

**54850101R3. Schuylkill Reclamation Corporation**, (P. O. Box 434, Gilberton, PA 17934), renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 61.0 acres, receiving stream—North Mahanoy Creek. Application received January 10, 2000.

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

**11960101.** Permit Revision, **Cloe Mining Company, Inc.** (P. O. Box I, Grampian, PA 16838), to add augering on the Upper and Middle Kittanning seams in Reade Township, **Cambria County**, affecting 107.9 acres, receiving stream unnamed tributaries to Muddy Run and Muddy Run, application received January 6, 2000.

**56950101.** Permit Renewal, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552-7288), for continued operation of a bituminous-auger surface mine in Brothersvalley Township, **Somerset County**, affecting 82.2 acres, receiving stream Piney Run, application received January 10, 2000.

**32950103.** Permit Renewal for reclamation only, **Marquise Mining Corporation** (3889 Menoher Blvd., Johnstown, PA 15905), for continued restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 50.0 acres, receiving stream unnamed tributary to Tearing Run, application received January 10, 2000.

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

**16000101. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214). Commencement, operation and restoration of a bituminous surface strip operation in Licking and Richland Townships, **Clarion County** affecting 83.6 acres. Receiving streams: Unnamed tributaries to the Clarion River. Application received January 5, 2000.

**33773143. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous and tipple refuse disposal operation in Union Township, **Jefferson County**, affecting 279.5 acres. Receiving streams: Unnamed tributaries to Welch Run, unnamed tributaries to Cedar Run; Simpson Run. Application received January 14, 2000.

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

*Noncoal Applications Received*

**7973SM5C3. Eureka Stone Quarry, Inc.**, (Pickertown and Lower State Roads, Chalfont, PA 18914), renewal of NPDES Permit PA022352 in Wrightstown Township, **Bucks County**, receiving stream—Neshaminy Creek. Application received January 10, 2000.

**5074SM3A2C3. Valley Quarries, Inc.**, (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit PA0121126 in Greene Township, **Franklin County**, receiving stream—Conocheague Creek. Application received January 10, 2000.

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

**43910308. Hall's Excavating, Inc.** (2416 McCartney Road, Cochranon, PA 16214). Transfer of an existing sand and gravel operation in French Creek Township, **Mercer County**, affecting 26.9 acres. Receiving streams: Powder Mill Run. Transfer from Hall's Excavating. Application received January 10, 2000.

**10930310. Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137). Renewal of an existing sand, gravel and topsoil operation in Worth Township, **Butler County**, affecting 134.0 acres. Receiving streams: Slippery Rock Creek and Unnamed tributaries to Slippery Rock Creek. Renewal of NPDES Permit No. PA0211826. Application received January 12, 2000.

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

### ENCROACHMENTS

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

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

**Application 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.*

**E15-634. Encroachment. SBA Towers, Inc.**, 3070 Bristol Pike, Building 2, Suite 230, Bensalem, PA 19020. To construct and maintain a telecommunications tower and equipment shelter facility within the floodplain of the East Branch of Brandywine Creek located approximately 600 feet southeast of the intersection of Manor Avenue (PA Route 322) and Lancaster Avenue (Business Route 30) at the Downingtown Municipal Center (Downingtown, PA Quadrangle N: 0.85 inch; W: 11.05 inches) in Downingtown Borough, **Chester County**.

**E51-182. Encroachment. Bridesburg Outboard Club**, P. O. Box 5991, Philadelphia, PA 19137-0991. To construct and maintain a fishing and docking facility in and along the western bank and 100-year floodplain of the Delaware River (WWF-MF). Work will include a boat ramp, steel walkway, gangway, floating landing dock, several floating fishing docks and several mooring buoys associated with the relocation of the Bridesburg Outboard Club. The site is located approximately 1,000 feet south of the intersection of Richmond Street and Buckius Street, at 3101 Buckius Street (Camden NJ-PA Quadrangle N: 21.5 inches; W: 9 inches) in the **City and County of Philadelphia**.

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

**E35-235A. Encroachment. David M. Epstein**, P. O. Box 431, Chinchilla, PA 18410. To amend DEP Permit No. E35-235, which authorized the construction and maintenance of 65-foot x 130-foot, three-story office building in and along the floodway of Willow Creek (CWF) (Lackawanna Trail Tributary), to authorize the maintenance of 50-foot x 130-foot, single story office building in the floodway of Willow Creek. The project is located on S. R. 0006, approximately 0.4 mile south of its intersection with S. R. 4021 (Scranton, PA Quadrangle N: 18.5 inches; W: 8.25 inches), South Township, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

**E39-378. Encroachment. County of Lehigh**, 17 South Seventh Street, Allentown, PA 18101-2400. To maintain the existing bridge having three spans (43-feet, 43-feet, 46-feet) with an average underclearance of 8-feet, 6-inches across Little Lehigh Creek (HQ-CWF). The project, known as the Kecks Bridge repairs, includes the repair of the bearing seats, repointing of stone masonry joints and installation of rock scour protection. The project is located approximately 1.3 miles southeast of S. R. 0309 and S. R. 0029 (Allentown West, PA Quadrangle N: 9.6 inches; W: 0.3 inch), Allentown City, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

**E45-382. Encroachment. Pinecrest Development Corporation**, P. O. Box 760, Pocono Pines, PA 18350. To construct and maintain 11 road crossings and four utility line crossings of PFO wetlands associated with the proposed Wild Pines Golf Club planned residential development. The total permanent wetland impact is 0.53 acre. The project is located on the south side of S. R. 4004, approximately 1 mile southeast of the intersection of S. R. 04004 and S. R. 0940 (Pocono Pines, PA Quadrangle N: 17.3 inches; W: 7.5 inches), Tobyhanna Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E45-387. Encroachment. Stroud Township**, 1211 North 5th Street, Stroudsburg, PA 18630-2646. To remove the existing structure and to construct and maintain a

single span bridge having a normal span of 20.0 feet and an underclearance of approximately 5.2 feet across a tributary to Cherry Creek (HQ-CWF). The project is located along Township Road T385 (Middle Road), between S. R. 0191 and T410 (Stroudsburg, PA-NJ Quadrangle N: 15.2 inches; W: 10.2 inches), Stroud Township, **Monroe County** (Philadelphia 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.*

**E06-530.** Encroachment. **PA Department of Transportation**, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. To remove an existing structure and to construct and maintain a twin-cell reinforced concrete box culvert with each cell being 16 feet x 9 feet in the channel of Willow Creek (CWF) at a point at S. R. 1011 (Fleetwood, PA Quadrangle N: 14.0 inches; W: 13.1 inches) in Richmond Township, **Berks County**.

**E06-531.** Encroachment. **PennDot**, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. To remove an existing structure and to construct and maintain a 16-foot x 4-foot precast concrete box culvert in the channel of Willow Creek (CWF) at a point at S. R. 1011 (Fleetwood, PA Quadrangle N: 15.5 inches; W: 13.1 inches) in Maiden Creek Township, **Berks County**.

**E50-199.** Encroachment. **Henry Holman**, 3E Suzanna Drive, Duncannon, PA 17020. To construct and maintain a 6-foot x 8-foot box culvert in the channel of Cove Creek (CWF) at a point approximately 8,000 feet upstream of its mouth for the purpose of constructing a driveway (Wertzville, PA Quadrangle N: 19.9 inches; W: 6.25 inches) in Penn Township, **Perry County**.

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

**E53-341.** Encroachment. **Timothy Rigas, VP**, Adelphia Communication, Main at Water Street, Coudersport, PA 16915-1141. To construct and maintain an 18 inch storm water sewer outfall to the Allegheny River approximately 240 feet northeast of the intersection of West Street with Oak Street (Coudersport, PA Quadrangle N: 39 inches; W: 2.95 inches) in Coudersport Borough, **Potter County**. The project will not impact on wetlands, while impacting 10 feet of waterway. The Allegheny River is a cold water fisheries stream.

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

**E02-1296.** Encroachment. **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219.

To reline, operate and maintain the existing 96 inch diameter outfall structure with a 48 inch diameter pipe as part of a street reconstruction project located on the left bank of the Monongahela River (WWF) located approximately 2,300 feet upstream from the 10th Street Bridge (Pittsburgh East PA Quadrangle N: 10.4 inches; W: 14.8 inches) in the City of Pittsburgh, **Allegheny County**.

**E65-747.** Encroachment. **Girl Scout Council of Westmoreland, Inc.**, 545 South Main Street, Greensburg, PA 15601. To enlarge and reconfigure existing Lake Janet Ruth, to relocate and maintain approximately 740 feet of Loyalhanna Creek (HQ-CWF) and to construct and maintain two earthen dikes along the right bank of the

relocated portion of the Loyalhanna Creek having a combined length of approximately 275 feet. This project also includes the construction and maintenance of a single span bridge having a normal span of 47.0 feet and an underclearance of 5.0 feet across the relocated portion of Loyalhanna Creek (HQ-CWF), a temporary roadway crossing consisting of three 18 inch pipe culverts in Loyalhanna Creek (HQ-CWF) and a boat launch and dock along and within the reconstructed lake. The project is located at the Laurel Mountain Camp off of Route 381 South, approximately 7 miles south of its intersection with Route 30 (Stahlstown, PA Quadrangle N: 11.0 inches; W: 0.2 inch) in Cook Township, **Westmoreland County**.

**E02-1297.** Encroachment. **Redland Brick, Incorporated**, 375 Rich Hill Road, R. D. 3, Cheswick, PA 15024. To place and maintain fill for a distance of approximately 640 feet within the floodway of Little Deer Creek (TSF), to place and maintain rip rap erosion protection adjacent to and behind an existing tunnel on the upstream side next to the right side wingwall along the same stream and to place and maintain fill in 0.21 acre of wetlands (PEM/PSS) for the purpose of constructing a new state of the art brick making facility to replace the current facility (New Kensington West PA Quadrangle N: 10.3; W: 12.0 inches) in Harmar Township, **Allegheny County**. To meet the wetland replacement requirements the applicant proposes to pay into the wetland replacement fund.

**E65-748.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To construct and maintain a 158.0 foot long, 8.0 foot x 6.0 foot reinforced concrete arch culvert in an unnamed tributary to Beaver Run (HQ-CWF) by placing a 1.0 foot depressed concrete floor in the existing arch and connecting a 206.0 foot long, 8.0 foot x 7.0 foot reinforced concrete box culvert (invert depressed 1.0 foot), to construct and maintain a 24 inch diameter concrete pipe outfall and to place and maintain fill in 0.09 acre of palustrine emergent wetlands for the purpose of widening S. R. 0022. The project is located on S. R. 0022 approximately 2,000 feet west of the interchange with S. R. 0066, (Slickville, PA Quadrangle N: 4.4 inches; W: 11.2 inches) in Salem Township, **Westmoreland County**. 0.09 acre of replacement wetlands have been constructed approximately 1,500 feet east of the project and were authorized by DEP Permit E65-700.

**E56-292.** Encroachment, **Mark A. Cirucci, Steve A. Cirucci**, 2162 Ramsey Road, Monroeville, PA 15146.

To construct and maintain a low flow culvert crossing consisting of four 12-inch diameter pipes in Whites Creek (HQ-CWF) for the purpose of providing access to a camp and facilitating a planned timber harvesting project. The project is located off of PA Route 523 (Confluence, PA Quadrangle N: 2.56 inches; W: 9.55 inches) in Addison Township, **Somerset County**.

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

**E42-267.** Encroachment. **Anundson Forest Enterprises, Inc.**, Three Oaks, P. O. Box 295, Sheffield, PA 16347. To construct and maintain a ford across Kendall Creek (WWF) for private access to property owned by Anundson Forest Enterprises, Inc. by cars, light trucks



and SUV's. This project is located across Kendall Creek approximately 2,300 feet northwest of the intersection of SR 24 and SR 46 at Corwins Corners (Derrick City, PA-NY, Quadrangle N: 11.3 inches; W: 11.9 inches) located in Foster Township, **McKean County**.

**E61-228.** Encroachment. **Sugarcreek Borough**, 212 Fox Street, Franklin, PA 16323. To construct and maintain a single span pony truss pedestrian bridge with a clear span of approximately 100 feet and a minimum underclearance of approximately 20 feet across Brannon Run (CWF). The project is located on Brannon Run 200 feet north of SR 8 approximately 2.25 miles east of the intersection of SR 8 and Two Mile Run Road (SR 4001) (Franklin, PA Quadrangle N: 6.8 inches; W: 0.9 inch) located in Sugarcreek Borough, **Venango County**.

**E61-230.** Encroachment. **PA Electric Company, d/b/a GPU Energy**, P. O. Box 16001, Reading, PA 19640-0001. To install and maintain an aerial fiber optic line and to maintain existing aerial electric lines and support structures across Allegheny River (WWF, nominated 1-A Scenic) adjacent to the Oil City Sewage Disposal Facility approximately 9,600 feet downstream from the SR 62 bridge across Allegheny River (Oil City, PA Quadrangle N: 6.75 inches; W: 4.7 inches) located in Oil City, **Venango County**.

#### ENVIRONMENTAL ASSESSMENT

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

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-855, (717) 787-8568.*

**D45-134.** Environmental Assessment. **Lake Swiftwater Club** (R. R. 1, Box 62, Henryville, PA 18332). To remove approximately 10,000 cubic yards of accumulated silts and sediments from Swiftwater Lake. The dam impounding the lake is located across Swiftwater Creek approximately 500 feet southwest of the intersection of Swiftwater Road (S. R. 314) and Hulbert Hill Road (Mount Pocono, PA Quadrangle, N: 17.65 inches; W: 4.00 inches) in Paradise Township, **Monroe County**.

**EA39-008CO.** Environmental Assessment. **Frank Rauscher** (7985 Saw Mill Road, New Tripoli, PA 18066-4630). To construct a nonjurisdictional dam adjacent to a tributary to Ontelaunee Creek (CWF) impacting approximately 0.2 acre of wetland (PEM) for a farm pond. The site is located approximately 900 feet west of the intersection of T719 and T847 (New Tripoli, PA Quadrangle, N: 10.9 inches; W: 10.2 inches) in Lynn Township, **Lehigh County**.

**D67-043EA.** Environmental Assessment. **Ann Muren and Robin Smith** (296 R. D. 2, Seven Valleys, PA 17360). To breach and remove the Seitzville Mill Dam across the South Branch Codorus Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located 100 feet upstream of the Seitzville Road bridge crossing the stream (Seven Valleys, PA Quadrangle N: 14.40 inches; W: 1.65 inches) in Codorus and Springfield Townships, **York County**.

## ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

(Part I Permits)

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

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

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

#### Permits Issued

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

**WQM Permit No. 4699424.** Sewerage. **Frederick Mennonite Community**, P. O. Box 498, Frederick, PA 19435-0498. Applicant is granted approval for the construction and operation of a sewage treatment plant, which will upgrade an existing treatment plant at Frederick Mennonite Community, located in Upper Frederick Township, **Montgomery County**.

**WQM Permit No. 4699430.** Sewerage. **Methacton School District**, 1001 Kriebel Mill Road, Norristown, PA 19408-2011. Applicant is granted approval to modify the existing WWTP, which will include the addition of dechlorination facilities located in Worcester Township, **Montgomery County**.

**WQM Permit No. 2399201.** Industrial waste. **Springfield Township**, 50 Powell Road, Springfield, PA 19064. Applicant is granted approval for the construction and operation of treatment wetland to treat leachate of Springfield Township landfill located in Springfield Township, **Delaware County**.

**WQM Permit No. 2399413.** Sewerage. **Concord Township Sewer Authority**, P. O. Box 171, Concordville, PA 19331. Applicant is granted approval for the construction and operation of a new pump station and



conveyance system to serve Brinton Lake Corporate Center located in Concord Township, **Delaware County**.

**WQM Permit No. 2399414.** Sewerage. **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. Applicant is granted approval for the construction and operation of sewage collection system; pump station and forcemain to serve Locksley Crossing subdivision located in Thornbury Township, **Delaware County**.

**NPDES Permit No. PA0010855.** Industrial waste. **E. I. DuPont DeNemours and Company, Inc.**, 3401 Grays Ferry Avenue, Philadelphia, PA 19146. Is authorized to discharge from a facility located in the **City of Philadelphia** to receiving waters named Schuylkill River.

**NPDES Permit No. PA0052191.** Sewerage. **Frank H. Duke**, 1085 Wood Lane, West Chester, PA 19382. Is authorized to discharge from a facility located in Westtown Township, **Chester County** to receiving waters named Chester Creek. (Locally known as Goose Creek).

**NPDES Permit No. PA0055140.** Industrial waste. **Equivest Management Inc.**, 215 South Broad Street, Philadelphia, PA 19107. Is authorized to discharge from a facility located in Norristown Borough, **Montgomery County** to receiving waters named Schuylkill River.

**NPDES Permit No. PA0012238.** Industrial waste. **ABB Automation, Inc. ABB Instrumentation Division**, 125 East County Line Road, Warminster, PA 18974. Is authorized to discharge from a facility located in Warminster Township, **Bucks County** to an unnamed Tributary to Pennypack Creek.

**NPDES Permit No. PA0050521.** Sewage. **Green Lane-Marlborough Joint Authority**, P. O. Box 45, Green Lane, PA 18054. Is authorized to discharge from a facility located in Green Lane Borough, **Montgomery County** into Perkiomen Creek.

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

**Permit No. 3599404.** **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519. Permit to construct an interceptor line, located in Old Forge Borough and Moosic Borough, **Lackawanna County**.

**NPDES Permit PA-0061107.** Sewerage. **Stillwater Sewer Corporation**, c/o NEPA Management Associates, 304 Park Avenue, Stroudsburg, PA 18360-1524 is authorized to discharge from a facility located in Coolbaugh Township, **Monroe County**, to an unnamed tributary to Stillwater Lake.

**NPDES Permit PA-0063142.** Industrial waste. **Chrin Brothers, Inc.**, 635 Industrial Drive, Easton, PA 18042 is authorized to discharge from a facility located in Williams Township, **Northampton County**, to the Lehigh River.

**NPDES Permit PA-0020915.** Sewerage. **Borough of Pine Grove**, One Snyder Avenue, Pine Grove, PA 17963 is authorized to discharge from a facility located in Pine Grove Township, **Schuylkill County**, to Swatara Creek.

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

**Permit No. PA0009253.** Industrial waste. **United Defense, LP**, Ground Systems Division, 100 Bairs Road, York, PA 17404 is authorized to discharge from a facility located in West Manchester Township, **York County** to the receiving waters named Codorus Creek.

**Permit No. PAG043627.** Sewerage—Single Family Residence. **Broad Top Township**, 187 Municipal Road, P. O. Box 87, Defiance, PA 16633 is authorized to discharge from a facility located in Broad Top Township, **Bedford County** to the receiving waters named Sandy Run.

**Permit No. PA0009920.** Industrial waste. **AmerGen Energy Company, LLC** (Three Mile Island Nuclear Station), 965 Chesterbrook Blvd., Wayne, PA 19087 is authorized to discharge from a facility located in Londonderry Township, **Dauphin County** to the receiving waters named Susquehanna River.

**Permit No. PA0035301.** Termination. Sewerage. **Upper Dauphin Area School District**, 5668 SR 209, Lykens, PA 17048 located in Washington Township, **Dauphin County**.

**Permit No. PAG043626.** Sewerage—Single Family Residence. **Daniel Finnegan**, R. D. 1 Box A-517, East Freedom, PA 16637 is authorized to discharge from a facility located in Kimmel Township, **Bedford County** to the receiving waters named unnamed tributary to Boiling Spring Run.

**Permit No. PA0080799.** Sewerage. **Newburg—Hopewell Joint Authority**, P. O. Box 128, Newburg, PA 17120 is authorized to discharge from a facility located in Hopewell Township, **Cumberland County** to the receiving waters named Newburg Run.

**Permit No. PAG043560 T1.** Sewage—Single Family Residence. **Steven and Karen Parinisi**, 9165 Mountain Road, Grantville, PA 17028 is authorized to discharge from a facility located in East Hanover Township, **Dauphin County** to the receiving waters named unnamed tributary to Manada Creek.

**Permit No. PA0082422.** Sewerage. **Waynesboro Area School District** (Mowrey Elementary School), P. O. Box 72, Waynesboro, PA 17201 is authorized to discharge from a facility located in Quincy Township, **Franklin County** to the receiving waters named West Branch Antietam Creek.

**Permit No. 2271411.** Termination. Sewage. **Upper Dauphin Area School District**, 5668 SR 209, Lykens, PA 17048 in Washington Township, **Dauphin County**.

**Permit No. 3699407.** Sewage. **Terre Hill Borough**, 300 Broad Street, P. O. Box 250, Terre Hill, PA 17581. This permit approves the construction of Septage receiving station in Terre Hill Borough, **Lancaster County**.

**Permit No. 2299407.** Sewage. **Lower Paxton Township**, 75 S. Houcks Road, Harrisburg, PA 17109. This permit approves the construction of Pump Station in Lower Paxton Township, **Dauphin County**.

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

**NPDES Permit No. PA 0030350.** Sewage. **Borough of Indian Lake**, 1301 Causeway Drive, Central City, PA 15926 is authorized to discharge from a facility located at Lakewood STP, Indian Lake Borough, **Somerset County** to receiving waters named Indian Lake.

**NPDES Permit No. PA0094137.** Sewage. **RJ&L Limited Partnership**, Suite 401, 1301 York Road, Lutherville, MD 21093 is authorized to discharge from a facility located at Suburban Terrace Mobile Home Park

Sewage Treatment Plant, Hopewell Township, **Beaver County** to receiving waters named unnamed tributary of Boggs Run.

**NPDES Permit No. PA0098388.** Sewage. **Patusan Trading Company, Inc.**, 5490 Route 217 Highway North, Blairsville, PA 15717 is authorized to discharge from a facility located at Patusan Trading Company Sewage Treatment Plant, Blacklick Township, **Indiana County** to receiving waters named Greys Run.

**NPDES Permit No. PA0205982.** Sewage. **Wise's Mobile Terrace**, R. D. 3, Box 104A, Ebensburg, PA 15931 is authorized to discharge from a facility located at Wise's Mobile Terrace STP, Cambria Township, **Cambria County** to receiving waters named Unnamed Tributary of Howells Run.

**NPDES Permit No. PA0218308.** Sewage. **Outside-In School of Experiential Education**, R. D. 1, Box 293, Bolivar, PA 15923 is authorized to discharge from a facility located at Outside-In School STP, Fairfield Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Hannas Run.

**Permit No. 0299203.** Industrial. **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244. Construction of a municipal water treatment plant located in Robinson Township, **Allegheny County** to serve filter backwash wastewater treatment facilities.

**Permit Amendment No. 6387201-T1-A1.** Industrial waste. **Ametek, Inc.**, Route 519, Eighty Four, PA 15330. Construction of wastewater treatment equipment located in North Strabane Township, **Washington County** to serve Ametek Specialty Metal Products Division Plant.

**Permit No. 4291-A2.** Sewage. **Kiski Area School District**, 299 Poplar Street, Vandergrift, PA 15690-1491. Construction of Sewage Treatment Plant located in Bell Township, **Westmoreland County** to serve Bell Elementary School STP.

**Permit No. 0299412.** Sewage. **Charles E. Kelly Support Facility**, Department of Army, 551 Lt. Will Way, Oakdale, PA 15071-5508. Construction of a sewage treatment plant located in South Fayette Township, **Allegheny County** to serve Charles E. Kelly Support Facility.

**Permit No. 0499404.** Sewerage. **Partnership of Robert Gearhart, Deborah Bomberger and Anthony Tommasone**, 617 Portersville Road, Ellwood City, PA

16117. Construction and operation of a sewage treatment plant located in Industry Borough, **Beaver County** to serve the Lock No. 6 Landing STP.

**Permit No. 6584433, Amendment 2.** Sewage. **Antiochian Orthodox Christian Archdiocese of North America**, Route 711 North, P. O. Box 638, Ligonier, PA 15658. Construction of dechlorination and post aeration facilities located in Fairfield Township, **Westmoreland County** to serve Antiochian Village Church Camp Sewage Treatment Plant.

**Permit No. 6599409.** Sewage. **Daniel R. Smith**, P. O. Box 88, Tarrs, PA 15688. Construction of Single Residence Sewage Treatment Plant located in East Huntingdon Township, **Westmoreland County** to serve Smith Property.

**Permit No. 6599417.** Sewerage. **Estate of Thomas V. Burnside**, Executrix, Judith E. Ferrarini, 721 Warren Street, Greensburg, PA 15601. Construction of Single Residence Sewage Treatment Facility located in Salem Township, **Westmoreland County** to serve Burnside Estate Small Flow Treatment Facility.

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

**NPDES Permit No. PA0210218.** Industrial waste. **Beazer East, Inc.**, One Oxford Centre, Suite 3000, Pittsburgh, PA 15219-1822 is authorized to discharge from a facility located in Petrolia Borough, **Butler County** to the South Branch of Bear Creek.

**WQM Permit No. 2599410.** Sewage. **Edinboro University of Pennsylvania**, Eardley Hall, Edinboro, PA 16448. This project is for the installation of replacement sanitary sewers and manholes, removal of two sewage pump stations, construction of a new main pump station, and the demolition and renovation of the existing main station in Edinboro Borough, **Erie County**.

**WQM Permit No. 2099415.** Sewage. **Marlan A. Jr., and Sherry L. Jones**, 13385 Denny Road, Meadville, PA 16335. This project is for the construction and operation of a small flow treatment facility located in Hayfield Township, **Crawford County**.

**WQM Permit No. 2099411.** Sewage. **West Fallowfield Township**, P. O. Box 55, Adamsville, PA 16110. This project is for the construction and operation of a wastewater treatment facility located in West Fallowfield Township, **Crawford County**.

#### INDIVIDUAL PERMITS

(PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-D112	Bucks County Airport Authority 3879 Old Easton Road P. O. Box 1185 Doylestown, PA 18901	Milford Township Bucks County	Unnamed Tributary to Unami Creek

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10Q186	The Perrier Group of America 405 Nestle Way Breinigsville, PA 18031	Lehigh County Upper Macungie Township	Iron Run
PAS10S084	The Oaks Senior Community, L.P., of The Shepherds in Monroe County P. O. Box 302 Cresco, PA 18326	Monroe County Barrett Township	Cranberry Circle
PAS10S075	Somewhere In The World, Inc. 360 Vireo Dr. Buck Hill Falls, PA 18353	Monroe County Paradise and Barrett Townships	Cranberry Circle
PAS10U108	Ashley Development Corp. 559 Main St. Bethlehem, PA 18018	Northampton County Williams Township	Frya Run

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10F073	Thomas Songer Fillmore Associates LP 100 North Patterson St. State College, PA 16801	Centre County Benner Township	Buffalo Run

#### INDIVIDUAL PERMITS

##### (PAR)

#### APPROVALS TO USE NPDES AND OTHER GENERAL PERMITS

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

The 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

*List of  
General Permit Type*

- PAG-8 General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
- PAG-9 General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
- PAG-10 General Permit for Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Plumstead Township Bucks County	PAR10-D408	Custom Builder, Inc. 6005 L. Mountain Road New Hope, PA	Neshaminy Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Warrington Township Bucks County	PAR10-D459	Crestland LP 2421 Bristol Rd. Warrington, PA	Mill Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Falls and Middletown Townships Bucks County	PAR10-D463	PA Department of Transportation 200 Radnor-Chester Rd. St. Davids, PA	Unnamed Tributary of Queen Ann Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Northampton Township Bucks County	PAR10-D468	Site Development, Inc. 17000 Horizon Way Mt. Laurel, NJ	Iron Works Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Haycock Township Bucks County	PAR10-D469	Robert Godown and Kevin Carney 329 Keewayden St. Coopersburg, PA	Unnamed Tributary to Lake Nockamixon	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Makefield Township Bucks County	PAR10-D473	Pulte Home Corporation/Delaware Valley 1210 Northbrook Drive Trevose, PA	Bucks Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Richland Township Bucks County	PAR10-D474	Gormon Brothers PA, LLC 7700 Keewayden St. Coopersburg, PA	Tohickon Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<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>
Plumstead Township Bucks County	PAR10-D486	Plumstead Township Box 387 Plumsteadville, PA	Deep Run Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Hilltown Township Bucks County	PAR10-D487	Elliot Building Group 406 Glen Eagles Dr. New Hope, PA	East Branch Perkiomen Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bensalem Township Bucks County	PAR10-D494	Northbrook Properties, LP 1101 DeKalb Pike, 2nd Fl. Wayne, PA	Unnamed Tributary to Neshaminy Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
New Garden Township Chester County	PAR10-D343	Kennett Consolidated School District 300 East South St. Kennett Square, PA	Unnamed Tributary to White Clay Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Concord Township Delaware County	PAR10-J171	Arthur and Marcia Laver 265 Matson Road Boothwyn, PA 19061	Green Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Limerick Township Montgomery County	PAR10-T577	Anthony Giamo/Leroy Wensel 311 West Ridge Pike Limerick, PA	Landis Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Hanover and Pennsbury Montgomery County	PAR10-T563	Robert Christman 2011 Farmington Ave. Pottstown, PA	Mocoby Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Frederick Township Montgomery County	PAR10-T581	Frederick Mennonite Community 2849 Big Rd., P O. Box 498 Frederick, PA	Scioto Creek and Tributary to Swamp Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Monroe County Smithfield Township	PAR10S027	Dr. Mahesh D. Chhabria K C Neurology Associates R. R. 5 E. Stroudsburg, PA 18301	UNT Sambo Circle	Monroe CD (570) 629-3060

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Northampton County Lower Saucon Township	PAR10U128	David Spirk 8052 William Penn Hwy. Easton, PA 18045	Saucon Circle	Northampton CD (610) 746-1971
Warren County Glade Township	PAR107206	Glade Township Municipal Authority 99 Cobham Park Road Warren, PA 16365	Allegheny River	Warren Conservation District 609 Rouse Home Avenue Suite 203 Youngsville, PA 16371 (814) 563-3117
Tioga County Richmond and Tioga Townships Mansfield Borough	PAR106634	PA Dept. of Transportation 715 Jordan Ave. Montoursville, PA 17754	Tioga River	Tioga County CD 29 East Ave. Wellsboro, PA 16901 (570) 724-1801

*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>
Luzerne County West Hazleton Borough	PAR232240	Greif Brothers Corporation 425 Winter Road Delaware, OH 43015	Black Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Berks County Amity Township	PAR803503	John Pfrommer, Inc. 1320 Ben Franklin Highway East Douglassville, PA 19518-1899	Schuylkill River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Straban Township	PAR803501	Helicopter Applicators, Inc. 1670 York Road Gettysburg, PA 17325	UNT to Rock Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mead Township Warren County	PAR118333	The Lane Construction Corporation—Seneca Upper Reservoir 965 East Main Street Meriden, CT 06450-6004	Allegheny River— Allegheny Reservoir	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Westmoreland County East Huntingdon Township	PAG046192	Daniel R. Smith P. O. Box 88 Tarrs, PA 15688	Unnamed Tributary of Jacobs 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>
Westmoreland County Salem Township	PAG046197	Estate of Thomas V. Burnside Executrix Judith E. Ferrarini 721 Warren Street Greensburg, PA 15601	Whitehorn Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<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>
Milwaukee, Wisconsin	PAG079903	Thomas J. Crawford Milwaukee Metropolitan Sewerage District (MMSD) P. O. Box 3049 Milwaukee, Wisconsin 53201-3049		Bureau of Water Quality Protection (717) 787-8184

### SEWAGE FACILITIES ACT PLAN APPROVAL

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

*Regional Office: Water Management Program Manager,  
Southcentral Region, 909 Elmerton Avenue, Harrisburg,  
PA 17110.*

*Location: Taylor Township, Fulton County, P. O.  
Box 627, Hustontown, PA 17229.*

The approved plan provides for construction of a sewage collection system and a .04 mgd sewage treatment plant discharging to in ground trenches. The system will serve the village of Hustontown. An onlot disposal system management program will address the remainder of the Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-0530.*

*Location: City of Sunbury, Northumberland County.*

*Project Description:* DEP has approved an update revision to the City of Sunbury's Act 537 Official Sewage Facilities Plan which calls for the construction of \$22.3 million worth of improvement to the City's existing wastewater treatment facility and its combined sewage collection system. Phase 1 of the project will expand the organic and hydraulic treatment capacity of the existing sewage treatment facility to 8,300 pounds per day and 4.2 million gallons per day, respectively. The wet weather treatment capacity will also be expanded to allow more of the storm event flows from the City's combined sewage collection system to be processed through the sewage treatment facility. Phase 2 of the project will provide

treatment, equalization and disinfection facilities to allow the city to capture and treat still more of its collection system's wet weather flows.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

### SAFE DRINKING WATER

#### **Permit issued for construction permit under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Permit No. 5999503.** The Department issued a construction permit to **Bakecrest Home for the Elderly**, R. D. 2, Box 195, Millerton, PA 16936, Rutland Township, **Tioga County** for approval of an existing water system and construction of a new well.

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

**Permit No. 6598501.** Public water supply. **Easy Living Estates of Ligonier**, R. D. 4, Box 107, Ligonier, PA 15658-8807. *Type of Facility:* Easy Living Estates of Ligonier water supply improvements. *Permit issued for Operation:* January 4, 2000.

**Permit No. 0486503-T2.** Public water supply. **Stonewood Family Limited Partnership**, 116 East Pittsburgh Street, Greensburg, PA 15601. *Type of Facility:* Independence Park formerly known as Pittsburgh Airport Park. *Permit issued for Operation:* January 5, 2000.

**Permit No. 6599502.** Public water supply. **Department of Conservation and Natural Resources**, Bureau of State Parks, P. O. Box 50, Rector, PA 15677. *Type of Facility:* Laurel Mountain State Park Water System. *Permit issued for Operation:* January 7, 2000.

**Permit No. 5669504-A1.** Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Helen Road,

Champion, PA 15622. *Type of Facility:* Trout Run Spring Chlorination Modification. *Permit issued for Construction:* January 7, 2000.

**Permit No. 5670501-A1.** Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Helen Road, Champion, PA 15622. *Type of Facility:* Hemlock Lodge Spring Chlorination Modification. *Permit issued for Construction:* January 7, 2000.

**Permit No. 5692502-A1.** Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Helen Road, Champion, PA 15622. *Type of Facility:* Gosling Well Chlorination Modification. *Permit issued for Construction:* January 7, 2000.

**Permit No. 5677501-A1.** Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Helen Road, Champion, PA 15622. *Type of Facility:* Trout Run Spring Chlorination Modification. *Permit issued for Construction:* January 7, 2000.

**Permit No. 0289598-A1.** Public water supply. **Borough of Brackenridge**, 1000 Brackenridge Avenue, Brackenridge, PA 15014. *Type of Facility:* Brackenridge water improvements. *Permit issued for Operation:* January 7, 2000.

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

**Permit No. 3799503.** Public water supply. **Mahoning Township**, Route 224, Box 99, Hillsville, PA 16132 has been issued a construction permit for the interconnection of Mahoning Township to Consumers Water Company and for the installation of transmission and distribution lines along Route 224, Genarro Drive, and West Main Street in Mahoning Township, **Lawrence County**. *Type of Facility:* Community Water Supply. *Consulting Engineer:* Patrick J. Copple, Copple-Rizzo & Associates, 1135 Butler Avenue, New Castle, PA 16101. *Permit to Construct Issued:* January 13, 2000.

## 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, please 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.*

**Harvey Knechel Residence**, New Britain Township, **Bucks County**. Philip F. Gray, Jr., Storb Environmental Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standards.

**Moreland Business Park**, Lower Moreland Township, **Montgomery County**. Robert M. Byer, Jr., P.G., ATC Associates Inc., 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19461, 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 standard.

**Lenape Manufacturing Co.**, East Rockhill Township, **Bucks County**. Thomas R. Severino, Environmental Science & Remediation Technologies, Inc., 105 East Evans Street, West Chester, PA 19380, has submitted an Addendum; Remedial Investigation/Cleanup Plan/Final Report concerning remediation of site soil contaminated with PCBs, heavy metals, solvents and petroleum hydrocarbons and groundwater contaminated with solvents and petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

**Domino Salvage, Inc.**, Plymouth Township, **Montgomery County**. Eric B. Rosina, Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet background standards.

**L. B. Smith Property**, Plymouth Township, **Montgomery County**. J. Curtis Hatfield, P.E., Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, has submitted a Remedial Investigation/Final Report concerning remediation of site soil/fill and groundwater contaminated with asbestos. The report is intended to document remediation of the site to meet a combination of Statewide health and site-specific standards.

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

**Mobil Oil Corporation**. Terminal 37-003, McKees Rocks Borough, **Allegheny County**. Charles Kominas, Mobil Business Resource Corporation, Pennsylvania Remediation Field Office, 93 Old York Road, Suite 1-518, Jenkintown, PA 19046 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Site Specific Standard.



## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 3

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

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

The Department has acted upon the following plans and reports:

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

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole # 74348N39283 (Old Bushkill Road)**, Porter Township, **Pike County**. PP&L Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard and was approved on January 14, 2000.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole # 57578N25353 (Harrity Road)**, Borough of Weissport, **Carbon County**. PP&L Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on January 14, 2000.

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

**Mobil Oil Corporation**, Terminal 38-003, McKees Rocks Borough, **Allegheny County**. Charles Kominas, Mobil Business Resource Corporation, Pennsylvania Remediation Field Office, 93 Old York Road, Suite 1-518, Jenkintown, PA 19046 has submitted a final report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs and PAHs. The final report did not demonstrate attainment of the Site Specific Standard and was disapproved by the Department on January 7, 2000.

**Exxon Pittsburgh Specialty Products Plant (former)**, City of Pittsburgh, **Allentown County**. Exxon Company, USA, 800 Bell Street, Houston, TX 77002 and Gloria McCleary, Integrated Science and Technology, Inc., 2595 South George Street, York, PA 17403 have submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The Final Report demonstrated attainment of the Site Specific standard and was approved by the Department on December 30, 1999.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**A. 100346. Pioneer Crossing Landfill**, F. R. & S, Inc., 727 Red Lane Road, Birdsboro, PA 19508. Application for minor modification for change of operating hours for a site in Exeter Township, **Berks County**. Application denied in the Regional Office January 7, 2000.

## 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.*

**GP2-06-5064: Sunoco, Inc.** (R&M) (1801 Market St.-15/10PC, Philadelphia, PA 19103-1699) for construction/operation of storage tanks for volatile organic compounds in Spring Township, **Berks County**.

**GP7-67-03082: York Graphic Services, Inc.** (3600 West Market Street, York, PA 17404) for construction/operation of sheetfed offset lithographic printing presses in West Manchester Township, **York County**.

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

**GP-43-271: Great Lakes Energy Partners LLC** (Route 173 and County Line Road, Carlton, PA 16311) on December 29, 1999, for change of ownership and operation of a natural gas production facility in French Creek Township, **Mercer County**.

**GP-62-159: Great Lakes Energy Partners LLC, Spring Creek Station** (Collins Road and Gleason Hollow Road, Warren, PA 16365) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Springcreek Township, **Warren County**.

**GP-25-079: Owens Brockway** (316 West 16th Street, Erie, PA 16502) on January 4, 2000, for operation of a burn off oven in Erie, **Erie County**.

**GP-25-893: Norse Pipeline LLC, Waterford Station** (Stone Quarry Road, Union City, PA 16438) on December 23, 1999, for operation of a natural gas production facility in LeBeouf Township, **Erie County**.

**GP-20-277: Great Lakes Energy Partners LLC, Anderson Station** (State Route 1018, Centerville, PA 16404) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Athens Township, **Crawford County**.

**GP-20-254: Great Lakes Energy Partners LLC, Hasbrouck Station** (Bethel Road, State Route 1032, Centerville, PA 16404) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Rome Township, **Crawford County**.

**GP-61-195: Great Lakes Energy Partners LLC, Haslet Station** (Bethel Church Road, State Route 4009, Franklin, PA 16323) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Jackson Township, **Venango County**.

**GP-20-273: Great Lakes Energy Partners LLC, Izbicki Station** (State Route 1024, Centerville, PA 16404) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Bloomfield Township, **Crawford County**.

**GP-20-278: Great Lakes Energy Partners LLC, Springboro Station** (State Route 18, Springboro, PA 16435) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Spring Township, **Crawford County**.

**GP-20-257: Great Lakes Energy Partners LLC, Lippert Station** (Pettis Road, Cochranon, PA 16314) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Fairfield Township, **Crawford County**.

**GP-42-158: Temple Inland Forest Products Corp., Mount Jewett** (Hutchins Road, Kane, PA 16735) on January 4, 2000, for construction and operation of six storage tanks in Sergeant Township, **McKean County**.

**GP-61-194: Great Lakes Energy Partners LLC, Toonerville Station** (Petroleum Center Road, Titusville, PA 16354) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Cherrytree Township, **Venango County**.

**GP-20-253: Great Lakes Energy Partners LLC, Miller Station** (State Route 120, Centerville, PA 16404) on December 29, 1999, for change of ownership and operation of a natural gas production facility in Rome Township, **Crawford County**.

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**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.**

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

**15-316-001: Premier Wood Craft L.T.D.** (131 Birch Street, Coatesville, PA 19320) on January 7, 2000, for operation of a wood coating operation in South Coatesville Borough, **Chester County**.

**OP-09-0103: W. A. Schmidt, Inc.** (775 Jacksonville Road, Warminster, PA 18974) on January 7, 2000, for operation of two spray paint booths in Warminster Township, **Bucks County**.

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

**05-323-007: JLG Industries, Inc.** (One JLG Drive, McConnellsburg, PA 17233) on January 12, 2000, for operation of a rotoblast unit controlled by a cartridge collector at the Sunnyside Facility in Bedford Township, **Bedford County**.

**22-03022: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570-0026) on January 12, 2000, for operation of a feed mill on Route 25 in Lykens Township, **Dauphin County**.

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

**TV-04-00471: Marathon Ashland Petroleum LLC** (P. O. Box 308, Midland, PA 15059) on November 19, 1999, issued a Title V Operating Permit for operation of a bulk gasoline terminal and storage facility at Midland Terminal in Industry Borough, **Beaver County**.

#### PLAN APPROVALS

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

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

**17-305-042: DTE River Hill, LLC** (425 South Main Street, Suite 201, Ann Arbor, MI 48107), owner, and **Covol Technologies, Inc.** (3280 North Frontage Road, Lehi, UT 84043), operator, on January 12, 2000, to extend the deadline for the performance of stack testing on a coal fines pellet dryer until March 31, 2000, in Karthaus Township, **Clearfield County**.

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**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.**

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

**PA-46-0134: Hill School, The** (717 East High School, Pottstown, PA 19464) on January 10, 2000, for operation of two boilers in Pottstown Borough, **Montgomery County**.

**PA-46-0115: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) on January 12, 2000, for operation of a tornado dust collector to exhaust in East Greenville Borough, **Montgomery County**.

**PA-46-0024: McNeil Consumer Healthcare** (7050 Camp Hill Road, Fort Washington, PA 19034) on January 12, 2000, for operation of a dust collection system in Whitmarsh Township, **Montgomery County**.

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

**PA-30-072C: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15241) on January 4, 2000, for modification of the wash plant to increase the plant capacity of raw coal at the coal preparation facility at Bailey Prep Plant in Richhill Township, **Greene County**.

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

**PA-10-062A: Slippery Rock University of Pennsylvania** (Slippery Rock, PA 16057-1326) on January 11, 2000, for modification of Boilers No. 1 and 2 in Slippery Rock, **Butler County**.

**PA-25-952B: Bush Industries of PA, Inc.** (2455 Robinson Road West, Erie, PA 16509) on January 7, 2000, for installation of a baghouse on Woodworking System No. 5 in Erie, **Erie County**.

**PA-37-051C: Reactive Metals & Alloys Corp.** (Route 168, West Pittsburg, PA 16160) on January 18, 2000, for modification to Plan Approval 37-399-011 in West Pittsburg, **Lawrence County**.

**PA-10-270A: International Specialty Alloys** (Route 551, Edinburg, PA 16116) on January 14, 2000, for operation of an existing thermite and aluminothermic reduction process in North Beaver Township, **Lawrence County**.

**PA-43-316A: Atlantic States Materials of PA, Inc.** (State Route 19, Mercer, PA 16137) on January 25, 2000, for operation of an existing aggregate processing facility in East Lackawannock Township, **Mercer County**.

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**Plan Approval 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.**

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

**PA-46-0018: Brown Printing Co.** (668 Gravel Pike, East Greenville, PA 18041) on January 10, 2000, for

operation of a web offset, heat set printing press in Upper Hanover Township, **Montgomery County**.

**PA-09-0063: New Hope Crushed Stone** (6970 Phillips Mill Road, New Hope, PA 18938) on January 10, 2000, for operation of two new diesel electric generators in Solebury Township, **Bucks County**.

**PA-46-0182: Rotoflex Technology Inc.** (92B County Line Road, Colmar, PA 18915) on January 10, 2000, for operation of a chrome plating process in Hatfield Township, **Montgomery County**.

**46-322-007: Waste Management Disposal Services of PA** (1425 Sell Road, Pottstown, PA 19464) on January 10, 2000, for operation of a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

**PA-15-0026: American Inks & Coatings Corp.** (Pawlings Road, Schuylkill, PA 19460) on January 11, 2000, for operation of a specialty clear coat manufacturing in Schuylkill Township, **Chester County**.

**46-302-207: Occidental Chemical** (Armand Hammer Boulevard, Pottstown, PA 19464) on January 11, 2000, for operation of three 98 MMBtu/hr boilers in Lower Pottsgrove Township, **Montgomery County**.

**46-313-115: SmithKline Beecham Pharmaceuticals** (709 Swedeland Road, King of Prussia, PA 19406) on January 11, 2000, for operation of a Centrifuge and Reactor Exhausts in Upper Merion Township, **Montgomery County**.

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

**14-313-038: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) on January 4, 2000, for operation of a chemical process facility (Product 514) on a temporary basis until May 3, 2000, for construction of a "spill over" vessel (T0130), to authorize the use of a lower minimum concentration caustic soda solution (14% versus 20%) in scrubber S0401, to authorize the replacement of the scrubbing solution in scrubber S0401 every other production batch instead of every batch, to regulate the scrubbing solution in scrubber S0107 on a pH basis instead of a reagent concentration basis, to authorize the use of a lower minimum scrubbing solution recirculation rate in scrubber S0107 (10 gpm versus 15 gpm), to regulate the scrubbing solution in scrubber S0106A on a pH and oxidation/reduction potential basis instead of a reagent concentration basis, to authorize the use of a lower minimum scrubbing solution recirculation rate in scrubber S0106A (80 gpm versus 90 gpm), to require the use of a second reagent, sodium hydrosulfide, in the scrubbing solution used in scrubber S0106B, to regulate the scrubbing solution in scrubber S0106B on a pH and oxidation/reduction potential basis instead of a reagent concentration basis and to authorize the use of a lower minimum scrubbing solution recirculation rate in scrubber S0106B (40 gpm versus 50 gpm) in College Township, **Centre County**.

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

**PA-10-171A: Butler Color Press** (119 Bonnie Drive, P. O. Box 31, Butler, PA 16003) on January 31, 2000, for a web offset heatset printing press in Butler and Summit Townships, **Butler County**.

**PA-16-132A: Temple-Inland Forest Products Corp.** (1 Fiberboard Avenue, Shippenville, PA 16254) on January 31, 2000, for a regenerative thermal oxidizer in Paint Township, **Clarion 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 410 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 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).

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

#### Coal Permits Issued

**54931601T. Sherman Coal Company, Inc.** (P. O. Box 93, Elysburg, PA 17824), transfer of an existing coal preparation plant in Frailey Township, **Schuylkill County** affecting 9.9 acres, receiving stream—none. Transfer issued January 13, 2000.

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

**16950101. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Clarion and Limestone Townships, **Clarion County** affecting 43.3 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries of Piney Creek. Application received: November 17, 1999. Permit Issued: January 11, 2000.

**33850118. Alvin Gearhart** (307 Treasure Lake, DuBois, PA 15801) Renewal of an existing bituminous strip operation in Winslow Township, **Jefferson County** affecting 220.0 acres. Receiving streams: Three unnamed tributaries of Soldier Run. Application received: July 9, 1999. Permit Issued: January 11, 2000.

**24813008. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip, auger and clay removal operation in Horton and Snyder Townships, **Elk and Jefferson Counties** affecting 458.0 acres. This renewal is issued for reclamation only. Receiving streams: Coal Hollow Run, Mead Run and Little Toby Creek. Application received: November 5, 1999. Permit Issued: January 11, 2000.

**24990101. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824) Commencement, operation and restoration of a bituminous strip and auger operation in Horton Township, **Elk County** affecting 588.0 acres. Receiving streams: Unnamed tributary to Mead Run and Mead Run; Unnamed tributary to Little Toby Creek. Application received: May 14, 1999. Permit Issued: January 13, 2000.

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

**32840111.** Permit Renewal for reclamation only, **M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7960), for continued restoration of a bituminous surface-auger mine in West Wheatfield Township, **Indiana County**, affecting 203.1 acres, receiving stream unnamed tributaries of Ramsey Run and Ramsey Run, application received December 27, 1999, issued January 14, 2000.

**05803009.** Permit Renewal for reclamation only, **Dash Coal Company, Inc.** (R. D. 2, Box 55A, Dunbar, PA 15431), for continued restoration of a bituminous surface mine in Broadtop Township, **Bedford County**, affecting 494.3 acres, receiving stream to unnamed tributary of Great Trough Creek and to Great Trough Creek, application received January 6, 2000, issued January 14, 2000.

**32950103.** Permit Renewal for reclamation only, **Marquise Mining Corporation** (3889 Menoher Blvd., Johnstown, PA 15905), for continued restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 50.0 acres, receiving stream unnamed tributary to Tearing Run, application received January 10, 2000, issued January 14, 2000.

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

**63940102T. Mulligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit transferred from Bologna Coal Company for continued operation and reclamation of a bituminous surface mine located in Smith Township, **Washington County**, affecting 108.5 acres. Receiving streams: ephemeral drainage to Burgetts Fork to Raccoon Creek and unnamed tributary to Raccoon Creek to Ohio River. Application received: August 26, 1999. Permit transfer issued: January 12, 2000.

**26980101. Marquise Mining Corp.** (3889 Menoher Blvd., Johnstown, PA 15905). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Franklin Township, **Fayette County**, affecting 170 acres. Receiving streams: unnamed tributary to Bolden Run to Redstone Creek to Monongahela River. Application received: July 1, 1998. Permit issued: January 14, 2000.

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

**17990903. 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 7.3 acres. Receiving streams: unnamed tributary to Upper Morgan Run. Application received August 9, 1999. Permit issued January 6, 2000.

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

#### Small Noncoal (Industrial Mineral) Permits Issued

**53990804. Kelly W. Crosby** (11 Quimby Road, Coudersport, PA 16915), commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Eulalia Township, **Potter County** affecting 1.0 acre. Receiving streams: South Hollow to Mill Creek. Application received October 25, 1999. Permit issued January 6, 2000.

**41990802. Thomas J. Woodhead** (170 Fink Drive, Montoursville, PA 17754), commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Eldred Township, **Lycoming County** affecting 2 acres. Receiving streams: unnamed tributary to Mill Creek. Application received September 24, 1999. Permit issued January 6, 2000.

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

*Noncoal Permits Issued*

**62990303. Allegheny Aggregate, Inc.** (R. D. 2, Box 227, Pittsfield, PA 16340). Commencement, operation and restoration of a sand and gravel operation in Pittsfield Township, **Warren County** affecting 108.6 acres. Receiving streams: None. Application received: May 14, 1999. Permit Issued: January 11, 2000.

**37980305. Slippery Rock Materials, Inc.** (R. D. 2, Box 228, Golf Course Road, Volant, PA 16156). Commencement, operation and restoration of a topsoil and sand and gravel operation in Plain Grove Township, **Lawrence County** affecting 96.5 acres. Receiving streams: Unnamed tributary to Taylor Run and Taylor Run. Application received: December 17, 1998. Permit Issued: January 10, 2000.

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

*Large Noncoal (Industrial Mineral) Permits Issued*

**59910301. Clifford Cross, Jr.** (P. O. Box 240, Mainesburg, PA 16932), renewal of NPDES permit number PA 0206580 on an existing Large Industrial Minerals (Sand and Gravel) permit in Delmar Township, **Tioga County** affecting 16 acres. Application received September 9, 1999. Permit issued January 6, 2000.

## **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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the 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 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. § 697.302) 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(s)).** (Note: Permits issued for Small Projects do not include 401 certification, unless specifically stated in the description.)

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

*Permits Issued*

**Permit No. E65-740.** Encroachment. **Albert Abels**, 5185 Mamont Road, Murrysville, PA 15668. To operate and maintain a 30-foot long, 5-foot diameter aluminized steel pipe (invert depressed 6 inches) in Haymakers Run (HQ-CWF) located on a driveway off of Mamont Road at a point approximately 1 mile east of the intersection of Mamont Road and Sardis Road. The project includes construction of approximately 16 L.F. of riprap bank protection (Murrysville, PA Quadrangle N: 16.00 inches; W: 3.5 inches) in Murrysville Borough, **Westmoreland County**. The structure was constructed under Emergency Permit No. EP6599204 issued on September 7, 1999. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E02-1294.** Encroachment. **The Public Auditorium Authority of Pittsburgh and Allegheny County**, Regional Resource Center Suite 1410, 425 Sixth Avenue, Pittsburgh, PA 15219. To construct and maintain the North Shore Infrastructure Project within the flood plain of the Allegheny and Ohio Rivers (WWF). The project consists of roadway improvements associated with access to PNC Park and the Steeler Stadium, along with the demolition of the existing Three Rivers Stadium. The project area is bounded by the Allegheny and Ohio Rivers to the south and west, the elevated S. R. 0065 expressway to the north and Federal Street to the east (Pittsburgh West PA Quadrangle N: 13.0 inches; W: 1.5 inches) in the City of Pittsburgh, **Allegheny County**.

**E32-410.** Encroachment. **Indiana County Commissioners**, 825 Philadelphia Street, Indiana, PA 15701-3942. To remove the existing structure known as Kelly Bridge No. 29B and to construct and maintain a bridge having a clear span of 19.41 meters and an underclearance of 3.00 meters across South Branch Plum Creek (CWF) located on T-359 at a point approximately 0.16 km south of its intersection with S. R. 4009. The project includes construction and maintenance of temporary cofferdams and rip rap in the channel for an approximate length of 25 meters (Ernest, PA Quadrangle N: 17.4 inches; W: 16.25 inches) in Washington Township, **Indiana County**.

**E03-381 A1.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To amend permit E03-381 and to construct and maintain stream bank stabilization and fish habitat improvements to nineteen locations along Cowanshannock Creek (TSF) for the purpose of mitigation for aquatic habitat loss associated with the Kittanning Bypass highway project. This stream work is located within 1 mile downstream from the Sunnyside Bridge (S. R. 0085); (Begin: Mosgrove, PA Quadrangle N: 11.9 inches; W: 13.2 inches; End: Mosgrove, PA

Quadrangle N: 12.3 inches; W: 15.2 inches) in Rayburn Township, **Armstrong County**.

**E04-212.** Encroachment. **C & C Marine Maintenance Company, Inc.**, Box 118, Georgetown, PA 15043. To amend Permit No. E04-212 to construct an additional 1,170.0 foot long by 230.0 foot wide barge mooring facility (as measured from the normal pool elevation) in the channel of and along the right bank of the Ohio River (WWF) located between River Miles 38 and 39 (Midland, PA Quadrangle N: 3.9 inches; W: 15.1 inches) in Ohioville Borough, **Beaver County**.

**E65-744.** Encroachment. **Robert W. Carlson**, 5175 Mamont Road, Murrysville, PA 15668. To operate and maintain a 6-inch depressed 60-inch corrugated metal pipe culvert in Haymakers Run (HQ-CWF) authorized for construction under Emergency Permit No. EP6599206 for the purpose of providing access to a residence. The project is located off of Mamont Road (Murrysville, PA Quadrangle N: 16.0 inches; W: 3.7 inches) in the Municipality of Murrysville, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E02-1290.** Encroachment. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. To construct and maintain a 160 foot long pipe arch culvert having a span of 10.25 feet with underclearance of 6.75 feet (depressed 1.0 foot) in an unnamed tributary to Pine Creek (CWF), to relocate and maintain approximately 45 feet of an unnamed tributary to Pine Creek, and to place and maintain fill in approximately 0.28 acre of wetlands (PEM/PSS) for the purpose of constructing a management and maintenance facility located approximately 1,600 feet northwest from the intersection of McKnight Road and Arcadia Drive (Emsworth, PA Quadrangle N: 14.4 inches; W: 4.3 inches) in McCandless Township, **Allegheny County**. This permit also authorizes the construction and maintenance of two outfall structures, one temporary stream crossing, and two utility line stream crossings.

**E02-1289.** Encroachment. **Duquesne Light Company**, 411 Seventh Avenue, Pittsburgh, PA 15230-1930. To construct and maintain an aerial distribution line across the channel of the Ohio River (WWF) located at the northwest downstream end of Brunot Island near River Mile 2.85 for the purpose of providing power to ALCOSAN (Pittsburgh West, PA Quadrangle N: 17.5 inches; W: 6.6 inches) in the City of Pittsburgh, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E63-476.** Encroachment. **Washington County Commissioners**, Courthouse Square, 100 West Beau Street, Washington, PA 15301. To rehabilitate and maintain the existing Wheeling Bridge No. 19 (Longdon Bridge) having a total span of 50.0 feet with a minimum underclearance of 6.0 feet across Templeton Fork of Wheeling Creek (TSF) located on T-414, approximately 1,000 feet upstream from the confluence of said stream and Enlow Fork (Wind Ridge, PA Quadrangle N: 18.8 inches; W: 10.0 inches) in West Finley Township, **Washington County**.

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

**E10-306.** Encroachment. **Louis Birckbichler**, 1355 Chicora Road, Chicora, PA 16025. To construct and maintain a 60-foot-long, 10-foot-diameter culvert in Buffalo Creek for a private driveway approximately 160 feet

north of S. R. 68 west of Chicora behind the existing Servistar Hardware Store (East Butler, PA Quadrangle N: 13.0 inches; W: 0.8 inch) located in Donegal Township, **Butler County**. This application includes a de minimus wetland impact (0.043 acre) associated with roadway fill.

**E24-210.** Encroachment. **City of St. Marys**, P. O. Box 1994, St. Marys, PA 15857. To remove the existing 4th Street bridge and to excavate sediment from a total reach of approximately 300 feet of the channel of Elk Creek beginning 50 feet upstream and extending 200 feet downstream of the bridge, to remove an existing abandoned railroad bridge and to construct and maintain a concrete box culvert having a 24-foot-wide by 5-foot-high waterway opening in Elk Creek on 4th Street and to replace and maintain a 12 or 15-inch-diameter sanitary sewer line cast into the bottom of the box culvert (St. Marys, PA Quadrangle N: 7.6 inches; W: 10.0 inches) located in City of St. Marys, **Elk County**.

#### ENVIRONMENTAL ASSESSMENT

##### ENVIRONMENTAL ASSESSMENT APPROVAL AND ACTIONS ON 401 CERTIFICATION

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

**D55-002EA.** Environmental Assessment. **Daniel Edelman** (207 North Wausau Road, Middleburg, PA 17842). To breach and remove the Franklin Mill Dam across Middle Creek (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2000 feet upstream of the bridge carrying S. R. 522 and S. R. 104 across Middle Creek (Middleburg, PA Quadrangle N: 6.25 inches; W: 6.45 inches) in Middleburg Borough, **Snyder County**.

#### WATER QUALITY CERTIFICATION

##### Final Actions under Section 401 of the Federal Water Pollution Control Act

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

These actions of the Department may be appealed 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, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

*Certification Request Initiated By: Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.*

*Project Description/Location:* This activity involves the Schuylkill River Maintenance Dredging project. Dredging would take place within Fairmount Park, at three locations between Strawberry Bridge downstream to Fairmount Dam, in the City of Philadelphia. The first location is a shallow shoal area on the downstream side of Peter's Island, which is a section of a scull boat race-course. The second site is the raw water intake for the City of Philadelphia, located on the west shore of the Schuylkill River. The third site is around and under small, floating wooden docks in front of Boathouse Row. A total of approximately 32,000 cubic yards of material will be removed by a small hydraulic cutter-head dredge. The material will be transported through metal piping to Fairmount Dam, where it will be pumped into barges on the downstream side of the dam, in the tidal portion of the Schuylkill River. The barges will transport the sediment downstream to the Fort Mifflin confined disposal facility, near the mouth of the Schuylkill River and the Delaware Estuary—Zone 4, for unloading.

*Final Action on Request:* Certification Granted.

[Pa.B. Doc. No. 00-175. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Applications for the County Water Supply Planning Grant Program

The Department of Environmental Protection (Department) announces the opening of the application period for funding of the County Water Supply Planning Grant Program. This grant program is available to any county to develop a comprehensive county water supply plan.

The goal of this incentive grant program is to protect the public from the hazards of unsafe drinking water and assure safe and reliable water service to the citizens of the Commonwealth. County water supply planning can insure development of water supply systems in an efficient, cost-effective manner and promote early recognition of viability concerns by reaching developers, local officials and other key participants at an early stage of water system development.

This incentive grant program is funded from a State budget line item and grants are made under the authority of the Pennsylvania Safe Drinking Water Act (35 P. S. 721.1—721.17) and section 1905-A(a) of The Administrative Code of 1929. This grant program will provide money to eligible applicants for the preparation of a county water supply plan, or updating an existing plan.

Grant awards are limited to 80% of all Department approved project costs or \$100,000, whichever is less. The grantee must provide local share in the form of matching funds or in-kind services at a minimum of 20% of the total project costs.

The application period is from February 1, 2000, to February 29, 2000. Grants will be awarded on a competitive basis based on complete applications which best meet the criteria contained in the grant guidelines established by the Department.

For more information or to obtain the grant guidelines and application, contact the Department of Environmental Protection, Bureau of Water Supply Management, Division of Technical Assistance and Outreach, Small Water Systems Technical Assistance Center, P. O. Box

8467, Harrisburg, PA 17105-8467 or call Donna L. Green at (717) 787-0125 or E-mail Green.Donna@dep.state.pa.us.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-176. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Availability of Draft Section 303(d) List of Impaired Waters

The Department of Environmental Protection (Department) is making available for public comment a draft list for the Year 2000 of waterbodies in the Commonwealth with impaired water quality. The list is required by section 303(d) of the Federal Clean Water Act.

The Department has an ongoing program to assess the water quality of waters in the Commonwealth. Streams and other bodies of water that do not meet water quality standards are identified as impaired along with the reason for impairment—point sources, such as industrial or wastewater discharges or nonpoint sources, such as abandoned mine drainage or agricultural runoff.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to determine waters which would still be impaired, even after the appropriate technology has been applied to point sources and required best management practices are in place for nonpoint sources. Waterbodies that do not meet water quality standards after this evaluation are required to be put on the section 303(d) list of impaired waters.

For each waterbody on the section 303(d) list, the state or the United States Environmental Protection Agency (EPA) must develop total maximum daily load (TMDL) allocations. If a TMDL has already been approved for a waterbody, that waterbody is not listed.

A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and nonpoint pollutant loads without violating water quality standards. TMDLs also describe the conditions necessary to improve water quality. TMDLs are used to set limits in NPDES water quality permits and identify where best management practices for nonpoint sources are necessary to improve and protect water quality.

Waterbody assessments and the listing on the section 303(d) list is an ongoing process. The Department will continue to verify the quality of data on waterbodies on the list and, as needed, will publish supplements to the list for public review and comment.

The Department will consider all public comments regarding the validity of the data and the appropriateness of placing waterbodies on the draft list. The final list will be submitted to EPA for approval.

The draft section 303(d) list for the Year 2000 was developed using information from stream and lake surveys and other sources, including the Department's Unassessed Waters Program, the Water Quality Assessment Process, the Nonpoint Source Program, and existing and readily available data submitted by external groups and agencies.

The draft section 303(d) list is available on the Department Web Site at [www.dep.state.pa.us](http://www.dep.state.pa.us) by selecting Subjects/Water Quality Assessment and Standards. Cop-



ies of the draft 303(d) list may be obtained from Mary Houghton, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-9637 or by E-mail to houghton.mary@dep.state.pa.us.

Persons wishing to comment on the draft list may do so in writing to the Bureau of Watershed Conservation or by E-mail to the noted address no later than March 14, 2000. Comments received by facsimile will not be accepted.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mary Houghton directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-177. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center. The "1999 Inventory" heading is the Governor's List of Nonregulatory 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 2000.

#### *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: 013-2000-001 Title: Policy for the DEP Money-Back Guarantee Permit Review Program Description: In 1995, this policy was prepared in response to Executive Order (1995-5) which established processing times for certain DEP permits. In short, this policy states that if the Department fails to meet the processing time published, the Department will refund the permit processing fee. The recent changes to the Money-Back Guar-

antee Review Program clarify the reading of the information and of the overall (existing) process involved. Section I, C, Updates to Website is a newly added section. Effective Date: January 14, 2000 Contact: Kim Nelson at (717) 783-8552 or by fax (717) 783-8926, or Email at Hoke.Wanita@dep.state.pa.us.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-178. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Corrections to General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants; BAQ-PGPA/GP-3

The Department of Environmental Protection (Department) has corrected Condition 2 (relating to applicability/source coverage limitations) of General Plan Approval and General Operating Permit for portable nonmetallic mineral processing plants (BAQ-PGPA/GP-3). The corrected version of Condition 2, shown as follows, reflects the proposed revisions published at 28 Pa.B. 3997-3998 (August 15, 1998).

\* \* \* \* \*

2. *Applicability/Source Coverage Limitations*—Approval herein granted under this Portable Nonmetallic Mineral Processing General Permit is limited to the erection, operation, and modification of portable nonmetallic mineral processing plants: a) which are temporarily (no longer than 24 months) located at construction sites; or, b) which are located at sites for which the applicant is in possession of a valid mining permit or an air quality permit exists for the operation of a nonmetallic mineral processing plant; and, which will be located at these previously permitted sites for periods less than 5 years. Nonmetallic mineral processing plants, as defined in 40 CFR 60.671, means any combination of equipment that is used to crush or grind any nonmetallic mineral. Nonmetallic mineral processing plants are designed to process nonmetallic minerals, and consist of affected units like crushers, grinders, screening operations, belt conveyors, bucket elevators, storage bins, bagging operations, and enclosed truck and rail car loading stations. Nonmetallic mineral processing plants also include any engines required to operate this equipment.

\* \* \* \* \*

Copies of the corrected version of BAQ-PGPA/GP-3 and an application form may be obtained by contacting Kimberly Maneval, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

The documents have also been placed on the Department's Web site and can be accessed at <http://www.dep.state.pa.us>, select Subject, Air Quality, General Permits and Applications.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-179. Filed for public inspection January 28, 2000, 9:00 a.m.]



**Plan Approval and Operating Permit Exemptions**

Under 25 Pa. Code § 127.14, the Department of Environmental Protection (Department) may determine sources or classes of sources to be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127. A listing of these exemptions was last published in the *Pennsylvania Bulletin* at 29 Pa.B. 2078, April 17, 1999. Notice is hereby given that, in accordance with § 127.14(d), the listing of these determinations is being revised and is available for public comment. After a 30-day comment period, the revised plan approval and operating permit exemption listings will be published in final form in the *Pennsylvania Bulletin*. Comments received by facsimile will not be accepted. Comments may be submitted electronically by e-mail to [lesher.douglas@dep.state.pa.us](mailto:lesher.douglas@dep.state.pa.us).

The following addition is proposed for the Plan Approval Exemption List as published in the *Pennsylvania Bulletin* on (April 17, 1999):

*Mobile equipment repair and refinishing facilities*

Final-form regulations for mobile equipment repair and refinishing facilities became effective at 29 Pa.B. 6003 (November 27, 1999). These regulations establish limitations for VOC content of finishes, along with equipment specifications and work practice recommendations. The final rulemaking deleted the proposed permitting requirement because it was determined not to be a cost-effective way to implement the program. Alternatively, these regulations will be implemented through an educational outreach campaign and traditional enforcement measures.

**Revisions to Exemption Criteria for Operating Permits**

Proposed revisions to the plan approval and operating permit exemption listings provide an exemption from the operating permit requirement for residential wood stoves, asbestos demolition/renovation sites, mobile equipment repair and refinishing facilities, and retail gasoline stations. Revisions shown in the following italicize proposed additions and bracket text proposed for deletion.

**Exemption Criteria for Operating Permits**

A Title V operating permit is needed by all facilities which have the potential to emit (PTE) exceeding the levels described in the definition of "Title V facility." A state-only operating permit is needed for facilities which do not have a PTE which exceeds the Title V facility thresholds, but which has actual emissions equal to or exceeding the facility levels summarized below. An existing facility which does not have a PTE exceeding the Title V facility thresholds and which does not have actual emissions exceeding the levels shown, is exempt from the requirement to obtain an operating permit.

*State-Only Operating Permit Facility Exemptions*

<i>Pollutant</i>	<i>PTE&lt;</i>	<i>Actual Emission Rate&lt;</i>
CO	100 TPY	20 TPY
NO <sub>x</sub>	100 TPY*	10 TPY
SO <sub>x</sub>	100 TPY	8 TPY
PM <sub>10</sub>	100 TPY	3 TPY
VOCs	50 TPY*	8 TPY
Single HAP	10 TPY	1 TPY
Multiple HAPs	25 TPY	2.5 TPY

\*25 TPY for Severe Ozone NA areas including Bucks, Chester, Delaware, Montgomery and Philadelphia counties.

Sources listed in the plan approval exemption list should be included in an operating permit application unless it is also included in the trivial activities list.

**[ At present there are only two permanently exempted source categories. These categories include residential wood stoves and asbestos demolition/renovation sites. [ Ref. Section 127.504(d) ]. ]**

*Exempted Facility and Source Categories for Operating Permits*

*Unless preclude by the Clean Air Act, or the regulations thereunder, the following facilities and source categories are exempted from the operating permit requirements of 25 Pa. Code § 127.402.*

1. Residential wood stoves.
2. Asbestos demolition/renovation sites.
3. Mobile equipment repair and refinishing facilities.
4. Retail gasoline stations.

\* \* \* \* \*

In addition, revisions to the exemption listings extend the deferral date for area sources subject to the National Emission Standards for Hazardous Air Pollutants until December 9, 2004. This deferral date is consistent with the extension granted by the U. S. Environmental Protection Agency on December 14, 1999. (See 64 FR 69637)

Copies of the proposed revisions to the Plan Approval and Operating Permit Exemptions List may be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, (800) 654-5984. Internet users can access a copy of the general permit at <http://www.dep.state.pa.us>. Choose Public Participation, Proposals Open for Comment, Draft—Other Proposals, Plan Approval and Operating Permit Exemptions.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-180. Filed for public inspection January 28, 2000, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Health Policy Board Meetings**

The Health Policy Board has set its calendar for the year 2000. The meeting dates are scheduled as follows:

- March 8, 2000
- June 14, 2000
- September 13, 2000
- December 13, 2000

All meetings will begin at 10 a.m. in Room 812, Health and Welfare Building, 7th & Forster Streets, Harrisburg, PA.

These meetings are subject to cancellation without notice.

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

783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 00-181. Filed for public inspection January 28, 2000, 9:00 a.m.]

**Laboratories Approved to Determine Urine Controlled Substance Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code**

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

Abington Memorial Hospital-S  
1200 Old York Road  
Abington, PA 19001  
215-576-2350

ACT Lab Services, Inc.-SC  
270 Commerce Drive Fort  
Washington, PA 19034  
215-283-6370

Albert Einstein Medical Center North-SC  
5501 Old York Road  
Philadelphia, PA 19141  
215-456-6100

Allegheny County Division of Labs., Toxicology Section-S  
10 County Office Building  
Pittsburgh, PA 15219  
412-350-6873

Allegheny General Hospital Dept. Lab. Med.-S  
320 East North Avenue  
Pittsburgh, PA 15212  
412-359-3521

Altoona Hospital-S  
620 Howard Avenue  
Altoona, PA 16601  
814-946-2340

American Medical Laboratories-SC  
14225 Newbrook Drive  
Chantilly, VA 20153  
703-802-6900

Ammon Analytical Laboratory-SC  
600 Bloy Street  
Hillside, NJ 07205  
908-624-0004

Analytic Biochemistries, Inc.-SC  
1680-D Loretta Avenue  
Feasterville, PA 19053  
215-322-9210

Associated Clinical Laboratories-SC  
1526 Peach Street  
Erie, PA 16501  
814-461-2400

AUH-Forbes Regional Health Center-S  
2570 Haymaker Road  
Monroeville, PA 15146  
412-858-2560

Ayer Clinical Lab-Penn Hospital-S  
Eighth and Spruce Streets  
Philadelphia, PA 19107  
215-829-3541

Barnes Kasson County Hospital-S  
400 Turnpike Street  
Susquehanna, PA 18847  
570-853-3135

Bendiner & Schlesinger, Inc.-SC  
47 Third Avenue  
New York, NY 10003  
212-254-2300

Bio Reference Laboratories, Inc.-SC  
481 Edward H. Ross Drive  
Elmwood Park, NJ 07407  
201-791-3600

- Bon Secours-Holy Family Reg. Health-S  
2500 Seventh Avenue  
Altoona, PA 16602  
814-949-4495
- Braddock Medical Center-S  
412 Holland Avenue  
Braddock, PA 15104  
412-636-5000
- Bradford Hospital-S  
116-156 Interstate Parkway  
Bradford, PA 16701  
814-834-8282
- Brandywine Hospital and Trauma Center-S  
Route 30 Bypass  
Coatesville, PA 19320  
610-383-8000
- Brownsville General Hospital-S  
125 Simpson Road  
Brownsville, PA 15417  
724-785-7200
- Canonsburg General Hospital-S  
R. D. 1, Box 147, Route 519  
Canonsburg, PA 15317  
724-745-6100
- Carlisle Hospital-S  
245 Parker Street  
Carlisle, PA 17013  
717-249-1212
- Cedar Crest Emergicenter-S  
1101 South Cedar Crest Blvd.  
Allentown, PA 18103  
610-433-4260
- Centre Community Hospital-S  
1800 East Park Avenue  
State College, PA 16803  
814-234-6117
- Chambersburg Hospital-S  
112 North Seventh Street  
Chambersburg, PA 17201  
717-267-7152
- Charles Cole Memorial Hospital-S  
R. D. 1, Box 205  
Coudersport, PA 16915  
814-274-9300
- Chester County Hospital-S  
701 East Marshall Street  
West Chester, PA 19380  
610-431-5182
- Chestnut Hill Hospital-S  
8835 Germantown Avenue  
Philadelphia, PA 19118  
215-248-8630
- Children's Hospital of Philadelphia-S  
One Children's Center, 34th & Civic Center Blvd.  
Philadelphia, PA 19104  
215-590-1000
- City Avenue Hospital-S  
4150 City Avenue, Dept. of Pathology  
Philadelphia, PA 19131  
215-871-1000
- Clarion Hospital-S  
1 Hospital Drive  
Clarion, PA 16214  
814-226-9500
- Clinical Laboratories, Inc.-SC  
901 Keystone Industrial Park  
Throop, PA 18512  
570-346-1759
- Clinical Science Laboratory, Inc.-S  
51 Francis Avenue  
Mansfield, MA 02048  
508-339-6106
- Community Hospital of Lancaster-S  
1100 East Orange Street  
Lancaster, PA 17602  
717-397-3711
- Community Medical Center-S  
1822 Mulberry Street  
Scranton, PA 18510  
570-969-8000
- Conemaugh Valley Memorial Hospital-S  
1086 Franklin Street  
Johnstown, PA 15905  
814-534-9000
- Corporate Health Services-S  
1914 Mercer Avenue  
Farrell, PA 16121  
724-346-6425
- Corry Memorial Hospital-S  
612 West Smith Street  
Corry, PA 16407  
814-664-4641
- Crozer-Chester Medical Center-S  
1 Medical Center Blvd.  
Upland, PA 19013  
610-447-2000
- De John Med Laboratory, Inc.-S  
1570 Garrett Road  
Upper Darby, PA 19082  
610-626-2112
- Delaware County Memorial Hospital-S  
501 North Lansdowne Avenue  
Drexel Hill, PA 19026  
610-284-8100
- Department of Pathology & Lab Med-HUP-SC  
3400 Spruce Street  
Philadelphia, PA 19104  
215-662-6880
- Doylestown Hospital-S  
595 West State Street  
Doylestown, PA 18901  
215-345-2250
- DrugScan, Inc.-SC  
1119 Mearns Road, P. O. Box 2969  
Warminster, PA 18974  
215-674-9310
- DrugScan, Inc.-Limerick Division-S  
Sanatoga & Evergreen Roads  
Sanatoga, PA 19464  
610-327-1200
- DrugScan, Inc.-Peach Bottom Division-S  
1848 Lay Road (Atom Road)  
Delta, PA 17314  
717-456-3026
- Easton Hospital-S  
250 South 21st Street  
Easton, PA 18042  
610-250-4140

Elk Regional Health Center, Inc.-S  
94 Hospital Street  
Ridgway, PA 15853  
814-788-5530

Elk Regional Health Center, Inc.-S  
763 Johnsonburg Road  
Saint Marys, PA 15857  
814-788-8179

Episcopal Hospital-S  
100 East Lehigh Avenue  
Philadelphia, PA 19125  
215-427-7333

Evangelical Community Hospital-S  
1 Hospital Drive  
Lewisburg, PA 17837  
570-522-2510

Fitness for Duty Center-S  
Pennsylvania Power and Light Company  
P. O. Box 467  
Berwick, PA 18603  
570-542-3336

Frankford Hospital-Bucks County Campus-S  
380 North Oxford Valley Road  
Langhorne, PA 19047  
215-934-5227

Frankford Hospital-Frankford Division-S  
Frankford Avenue and Wakeling Street  
Philadelphia, PA 19124  
215-831-2068

Frankford Hospital-Torresdale Division-S  
Knights and Red Lion Roads  
Philadelphia, PA 19114  
215-612-4000

Frick Hospital and Community Health Center-S  
508 S. Church Street  
Mount Pleasant, PA 15666  
724-547-1500

Friends Hospital-S  
4641 Roosevelt Blvd.  
Philadelphia, PA 19124  
215-831-4771

Friends Medical Lab, Inc.-SC  
5820 Southwestern Blvd.  
Baltimore, MD 21227  
412-247-4417

Garcia Laboratory-S  
2195 Spring Arbor Road  
Jackson, MI 49203  
517-787-9600

Geisinger Medical Center-SC  
North Academy Road  
Danville, PA 17822  
570-271-6338

Gnaden Huetten Memorial Hospital-S  
11th and Hamilton Streets  
Lehighton, PA 18235  
610-377-1300

Good Samaritan Hospital-S  
4th and Walnut Streets, PO Box 1281  
Lebanon, PA 17042  
717-270-7500

Good Samaritan Regional Medical Center-S  
700 East Norwegian Street  
Pottsville, PA 17901  
570-621-4032

GPU Nuclear Corp., TMI Med. Dept.-S  
P. O. Box 480  
Middletown, PA 17057  
717-948-8189

Graduate Hospital-S  
1800 Lombard Street  
Philadelphia, PA 19146  
215-893-2240

Guthrie Clinic Path Lab-S  
Guthrie Square  
Sayre, PA 18840  
570-888-5858

Graham-Massey Analytical Labs-SC  
60 Todd Road  
Shelton, CT 06484  
203-926-1100

Hahnemann University Hospital-S  
Broad and Vine Streets, MS 113  
Philadelphia, PA 19102  
215-762-1783

Harrisburg Hospital-S  
South Front Street  
Harrisburg, PA 17101  
717-782-3131

Hazleton General Hospital-S  
East Broad Street  
Hazleton, PA 18201  
570-450-4156

Health Network Laboratories-SC  
2024 Lehigh Street  
Allentown, PA 18103  
610-402-8150

Health Quest Medical Laboratories, Inc.-S  
2089 East High Street  
Pottstown, PA 19464  
610-327-2520

Holy Redeemer Hospital-S  
1648 Huntingdon Pike  
Meadowbrook, PA 19046  
215-947-3000

Holy Spirit Hospital-SC  
503 North 21st Street  
Camp Hill, PA 17011  
717-763-2206

Horizon Hospital System-Greenville Campus-S  
110 North Main Street  
Greenville, PA 16125  
724-588-2100

Horizon Hospital System-Shenango Campus-S  
2200 Memorial Drive  
Farrell, PA 16121  
724-981-3500

Indiana Hospital Dept. Lab. Med.-S  
P. O. Box 788  
Indiana, PA 15701  
724-357-7167

J.C. Blair Memorial Hospital-S  
Warm Springs Avenue  
Huntingdon, PA 16652  
814-643-8645

Jeanes Hospital-S  
7600 Central Avenue  
Philadelphia, PA 19111  
215-728-2347

Jersey Shore Hospital-S  
1020 Thompson Street  
Jersey Shore, PA 17740  
570-398-0100

John F. Kennedy Memorial Hospital-S  
Cheltenham and Langdon Streets  
Philadelphia, PA 19124  
215-831-7203

Kensington Hospital-S  
136 West Diamond Street  
Philadelphia, PA 19122  
215-426-8100

Lab Corp Occupational Testing Services-SC  
4022 Willow Lake Blvd  
Memphis, TN 38118  
901-795-1515

Lab Corp Occupational Testing Services-SC  
1904 Alexander Drive  
Research Triangle Park, NC 27709  
919-549-8263

Lab Corp of America Holdings-SC  
69 First Avenue - P. O. Box 500  
Raritan, NJ 08869  
201-526-2400

LabOne, Inc.-SC  
10101 Renner Boulevard  
Lenexa, KS 66219  
913-888-1770

Laboratory Specialists, Inc.-SC  
1111 Newton Street  
Gretna, LA 70053  
504-361-8989

Lancaster General Hospital-Susquehanna Division-S  
306 North Seventh Street  
Columbia, PA 17512  
717-684-2841

Lancaster General Hospital-S  
555 North Duke Street- PO Box 3555  
Lancaster, PA 17603  
717-299-5511

Latrobe Area Hospital-S  
West Second Avenue  
Latrobe, PA 15650  
724-537-1550

Lewistown Hospital-S  
Highland Avenue  
Lewistown, PA 17044  
717-248-5411

Lock Haven Hospital-S  
24 Cree Drive  
Lock Haven, PA 17745  
570-893-5000

Magee Women's Hospital-S  
Forbes Avenue and Halket Street  
Pittsburgh, PA 15213  
412-647-4651

Main Line Clinical Laboratories-Bryn Mawr CP-S  
130 Bryn Mawr Avenue  
Bryn Mawr, PA 19010  
610-526-3554

Main Line Clinical Laboratories-Lankenau CP-S  
100 East Lancaster Avenue  
Wynnewood, PA 19096  
610-645-2615

Main Line Clinical Laboratories-Paoli Memorial CP-S  
255 West Lancaster Avenue  
Paoli, PA 19301  
610-648-1000

Meadville Medical Center-Liberty Street-S  
751 Liberty Street  
Meadville, PA 16335  
814-336-3121

Medical College of Pennsylvania Hospital-S  
3300 Henry Avenue  
Philadelphia, PA 19129  
215-842-6615

MedTox Laboratories, Inc.-SC  
402 West County Road D  
New Brighton, MN 55112  
612-636-7466

Memorial Hospital Lab-S  
1 Hospital Drive  
Towanda, PA 18848  
570-265-2191

Mercy Health Lab-Mercy Fitzgerald Hospital-S  
Lansdowne Avenue and Bailey Road  
Darby, PA 19023  
610-237-4175

Mercy Health Lab-Mercy Hospital/Phila.-S  
5301 Cedar Avenue  
Philadelphia, PA 19143  
215-748-9170

Mercy Health Partners-S  
746 Jefferson Avenue  
Scranton, PA 18510  
570-348-7100

Mercy Hospital-S  
25 Church Street  
Wilkes-Barre, PA 18765  
570-826-3100

Mercy Hospital Laboratory-S  
Pride and Locust Streets  
Pittsburgh, PA 15219  
412-232-7831

Mercy Suburban Hospital-S  
2701 Dekalb Pike  
Norristown, PA 19404  
610-278-2075

Methodist Hospital Div./TJUH, Inc.-S  
2301 South Broad Street  
Philadelphia, PA 19148  
215-952-9059

Miner's Hospital-S  
290 Haida Avenue  
Hastings, PA 16646  
814-948-7171

Monongahela Valley Hospital, Inc.-S  
Country Club Road, Route 88  
Monongahela, PA 15063  
724-258-1000

Montgomery Hospital-S  
Powell and Fornance Streets  
Norristown, PA 19401  
610-270-2173

Muncy Valley Hospital-S  
215 East Water Street  
Muncy, PA 17756  
570-546-8282

Nason Hospital-S  
Nason Drive  
Roaring Spring, PA 16673  
814-224-6215

National Med. Services STAT Tox Lab-SC  
2300 Stratford Avenue  
Willow Grove, PA 19090  
215-748-1600

National Medical Services, Inc.-SC  
3701 Welsh Road  
Willow Grove, PA 19090  
215-657-4900

Nazareth Hospital-S  
2601 Holme Avenue  
Philadelphia, PA 19152  
215-335-6245

North Penn Hospital-S  
100 Med Campus Drive  
Lansdale, PA 19446  
215-368-2100

Northwest Medical Center-Oil City Campus-S  
174 E. Bissell Avenue  
Oil City, PA 16301  
814-677-1711

Omega Medical Laboratories, Inc.-SC  
2001 State Hill Road, Suite 100  
Wyomissing, PA 19610  
610-378-1900

Parkview Hospital-Parkview-S  
1331 East Wyoming Avenue  
Philadelphia, PA 19124  
215-537-7430

Parkway Clinical Laboratory-S  
3494 Progress Drive, Suite A  
Bensalem, PA 19020  
215-676-2296

Penn State Geisinger WVMC-S  
1000 E. Mountain Drive  
Wilkes-Barre, PA 18711  
570-826-7830

Penna. Dept. of Health, Bureau of Labs.-SC  
P. O. Box 500  
Exton, PA 19341-0500  
610-363-8500

Pharmchem Laboratories, Inc.-SC  
1505-A O'Brien Drive  
Menlo Park, CA 94025  
650-617-9226

Phoenixville Hospital-Dept. of Pathology-S  
140 Nutt Road  
Phoenixville, PA 19460  
610-983-1612

Pinnacle Health/Community General Osteopathic  
Hospital-S  
4300 Londonderry Road, P. O. Box 3000  
Harrisburg, PA 17109  
717-657-7214

Pittsburgh Criminalistics-SC  
1320 5th Avenue  
Pittsburgh, PA 15219  
412-391-6118

Pocono Medical Center Lab.-S  
206 East Brown Street  
East Stroudsburg, PA 18301  
570-476-3544

Polyclinic Hospital-S  
2601 North Third Avenue  
Harrisburg, PA 17110  
717-782-4141

Pottstown Memorial Medical Center-S  
1600 East High Street  
Pottstown, PA 19464  
610-327-7111

Pottsville Hospital and Warne Clinic-S  
420 South Jackson Street  
Pottsville, PA 17901  
570-621-5262

Presbyterian Medical Center of Phila.-S  
3400 Spruce Street, Dept. of Pathology  
Philadelphia, PA 19104  
215-662-3435

Princeton Biomedical Laboratories, Inc.-S  
2000-B Hartel Complex  
Levittown, PA 19057  
215-943-0700

Psychemedics Corporation-SC  
5832 Uplander Way  
Culver City, CA 90230  
800-522-7424

Punxsutawney Area Hospital-S  
81 Hillcrest Drive  
Punxsutawney, PA 15767  
814-938-4500

Quest Diagnostics-SC  
7470-A Mission Valley Road  
San Diego, CA 92108  
800-446-4728

Quest Diagnostics Clinical Laboratories, Inc.-SC  
400 Egypt Road  
Norristown, PA 19403  
610-631-4200

Quest Diagnostics Clinical Laboratories, Inc.-SC  
7600 Tyrone Avenue  
Van Nuys, CA 91405  
818-376-6195

Quest Diagnostics, Inc.-SC  
One Malcolm Avenue  
Teterboro, NJ 07608  
201-393-5602

Quest Diagnostics, Inc.-S  
1901 Sulphur Spring Road  
Baltimore, MD 21227  
301-247-9100

Quest Diagnostics, Inc.-SC  
4444 Giddings Road  
Auburn Hills, MI 48326  
800-444-0106

Quest Diagnostics of PA, Inc.-S  
900 Business Center Drive  
Horsham, PA 19044  
215-957-9300

Quest Diagnostics of PA, Inc.-SC  
875 Greentree Road, 4 Parkway Center  
Pittsburgh, PA 15220  
412-920-7600

Quintiles Laboratories, Ltd.-SC  
5500 Highlands Parkway, Suite 600  
Smyrna, GA 30082  
770-434-8492

Reading Hospital & Medical Center-S  
6th and Spruce Streets  
Reading, PA 19603  
610-988-8080

Redwood Toxicology Laboratory-SC  
3573 Westwind Boulevard  
Santa Rosa, CA 95403  
707-577-7958

Roxborough Memorial Hospital-S  
5800 Ridge Avenue  
Philadelphia, PA 19128  
215-483-9900

Sacred Heart Hospital-S  
Fourth and Chew Streets  
Allentown, PA 18102  
610-776-4727

Saint Clair Memorial Hospital-S  
1000 Bower Hill Road  
Pittsburgh, PA 15243  
412-561-4900

Saint Francis Hospital-S  
1000 South Mercer Street  
New Castle, PA 16101  
724-658-3511

Saint Joseph Hospital-S  
250 College Avenue, P. O. Box 3509  
Lancaster, PA 17604  
717-291-8022

Saint Mary Medical Center-S  
Langhorne-Newtown Road  
Langhorne, PA 19047  
215-750-2162

Scientific Testing Labs, Inc.-SC  
463 Southlake Boulevard  
Richmond, VA 23236  
804-378-9130

Serenity Hall, Inc.-S  
414 West Fifth Street  
Erie, PA 16057  
814-459-4775

Sewickley Valley Hospital-S  
Blackburn Road and Fitch Drive  
Sewickley, PA 15143  
412-741-6600

Shadyside Hospital-S  
5230 Centre Avenue  
Pittsburgh, PA 15232  
412-622-2315

Sharon Regional Health System-S  
740 East State Street  
Sharon, PA 16146  
724-983-3911

Sierra Analytical Laboratories-SC  
625 East Drinker Street  
Dunmore, PA 18512  
570-341-2224

Skippack Medical Laboratory-S  
3887 Skippack Pike  
Skippack, PA 19474  
610-584-1669

Soldiers and Sailors Memorial Hospital-S  
Central Avenue  
Wellsboro, PA 16901  
570-724-1631

Somerset Hospital-S  
225 South Center Avenue  
Somerset, PA 15501  
814-443-2626

South Hills Health System—Jefferson-S  
575 Coal Valley Road  
Pittsburgh, PA 15236  
412-469-5723

Southern Chester County Medical Center-S  
1015 West Baltimore Pike  
West Grove, PA 19390  
610-869-1080

Specialty Laboratories-S  
2211 Michigan Avenue  
Santa Monica, CA 90404  
310-828-6543

St. Francis Central Hospital-S  
1200 Centre Avenue  
Pittsburgh, PA 15219  
412-562-3060

St. Francis Medical Center-S  
400-45th Street  
Pittsburgh, PA 15201  
412-622-4838

St. Joseph Quality Medical Laboratory-SC  
215 North 12th Street, Box 316  
Reading, PA 19603  
610-378-2200

St. Joseph's Hospital-Div. NPHS-S  
16th Street and Girard Avenue  
Philadelphia, PA 19130  
215-787-9000

Suburban General Hospital-S  
100 South Jackson Avenue  
Bellevue, PA 15202  
412-734-6000

Sunbury Community Hospital-S  
350 North 11th Street  
Sunbury, PA 17801  
570-286-3333

Taylor Hospital, Div. of CCMC-S  
175 E. Chester Pike  
Ridley Park, PA 19078  
610-595-6450

TechNow-S  
31 Industrial Highway-S  
Essington, PA 19029  
610-362-0610

Temple Lower Bucks Hospital-S  
501 Bath Road  
Bristol, PA 19007  
215-785-9200

Temple University Hospital-S  
3401 North Broad Street  
Philadelphia, PA 19140  
215-707-4353

The Medical Center-Beaver, PA, Inc.-S  
1000 Dutch Ridge Road  
Beaver, PA 15009  
724-728-7000

Thomas Jefferson University Hospital-S  
125 South 11th Street-204 Pavilion  
Philadelphia, PA 19107  
215-955-6374

Titusville Area Hospital-S  
406 West Oak Street  
Titusville, PA 16354  
814-827-1851

Toxi-Con-SC  
120 Monahan Avenue-Suite 101  
Dunmore, PA 18512  
570-963-0722

United Community Hospital-S  
631 North Broad Street Ext.  
Grove City, PA 16127  
724-458-5442

University of Pittsburgh Medical Center/Beaver Valley-S  
2500 Hospital Drive-Pathology Department  
Aliquippa, PA 15001  
724-857-1238

University Hospital-Milton S. Hershey Medical Center-S  
500 University Avenue  
Hershey, PA 17033  
717-531-8353

University of Pittsburgh Medical Center-CLSI-SC  
Room 5929 Main Tower/CLSI  
200 Lothrop Street  
Pittsburgh, PA 15213  
412-647-7813

UPMC Bedford Memorial Hospital-S  
10455 Lincoln Highway  
Everett, PA 15537  
814-623-3506

UPMC Lee Regional Hospital-S  
320 Main Street  
Johnstown, PA 15901  
814-533-0130

UPMC Saint Margaret Hospital-S  
815 Freeport Road  
Pittsburgh, PA 15215  
412-784-4000

Valley Forge Medical Center and Hospital-S  
1033 W. Germantown Pike  
Norristown, PA 19403  
610-539-8500

Warminster Hospital-S  
225 Newtown Road  
Warminster, PA 18974  
215-441-6700

Waynesboro Hospital-S  
East Main Street  
Waynesboro, PA 17268  
717-765-3403

The Western Pennsylvania Hospital-S  
4800 Friendship Avenue  
Pittsburgh, PA 15224  
412-578-5779

Western Reserve Care System-SC  
North Side Medical Center-500 Gypsy Lane  
Youngstown, OH 44504  
216-740-3794

Westmoreland Hospital-S  
532 W. Pittsburgh Street  
Greensburg, PA 15601  
724-832-4365

Williamsport Hospital and Medical Center-S  
777 Rural Avenue  
Williamsport, PA 17701  
570-321-2300

WVHCS Hospital-General Campus-SC  
Corner North River and Auburn Streets  
Wilkes-Barre, PA 18764  
570-829-8111

York Hospital-S  
1001 South George Street  
York, PA 17405  
717-771-2696

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 00-182. Filed for public inspection January 28, 2000, 9:00 a.m.]

**Public Meeting for Parties Interested in the Maternal and Child Health Services Block Grant Application (with Needs Assessment) for Federal Fiscal Year 2001**

The Department of Health (Department), Bureau of Family Health, Division of MCH, will hold a public meeting on February 7, 2000. The purpose of the meeting is to permit interested parties to provide input to the Department prior to its development of the Maternal and Child Health Services Block Grant 2001 Application which will contain a statewide needs assessment under 42 U.S.C.A § 705(a)(1).

The meeting will be held in the Rachel Carson State Office Building, Auditorium, 2nd Floor, 400 Market Street, Harrisburg, PA at 10 a.m.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, services or other accommodation to do so, should contact the Bureau of Family Health at (717) 787-7192, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 00-183. Filed for public inspection January 28, 2000, 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 of Revenue (Department) hereby announces the lowest cost of the stamping agent, wholesaler and



retailer, respectively, effective upon publication of this notice, as follows:

	<i>Premium Brands</i>	<i>Generic Brands</i>
	(a.k.a. Kings & Regulars)	
Cost of the Stamping Agent (for sales to wholesalers)	\$25.64	\$22.94
Cost of the Wholesaler (for sales to retailers)	\$26.67	\$23.86
Cost of the Retailer (for sales to retail customers)	\$28.27	\$25.29

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 \$2.83 for premium brands (\$28.27/10), \$2.53 for generic brands (\$25.29/10).

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 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 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. 00-184. Filed for public inspection January 28, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

#### *Addendum*

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 29 Pa.B. 6534 on December 25, 1999, a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

#### *Change of Ownership and Change of Name*

As an addendum to the listing of approved Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police, the

Department hereby gives notice of the change of ownership and the change of name for the following station:

Siemens Westinghouse Technical Services, Inc. a Siemens Company, 1002 McKee Road, Oakdale, Allegheny County, Pa 15071, is now known as: Wisco Calibration Service Inc. 1002 McKee Road, Oakdale, Allegheny County, PA 15071 (Appointed: 07/14/99, Station R10).

Comments, suggestions or questions may be directed to Barb Tomassini, Manager, Inspection Processing Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 29 Pa.B. 6534 December 25, 1999.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-185. Filed for public inspection January 28, 2000, 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 act (75 P. S. § 745.5a(h)(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>
10-154	Department of Health Drug and Alcohol Facilities and Services (29 Pa.B. 5835 (November 13, 1999))	1/14/00	12/13/01

### **Department of Health Regulation No. 10-154 Drug and Alcohol Facilities and Services January 14, 2000**

We have reviewed this proposed regulation from Department of Health (Health) and submit for 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 to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to reasonableness, need, eco-

conomic impact, health and safety and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. Consistency with regulations of other Commonwealth Departments.—Consistency with the Statute; Economic Impact; Reasonableness; Need.**

Section 921 of the Public Welfare Code (62 P.S. § 921(c)) requires Health to “establish standards for the safe and adequate care of individuals, not inconsistent with the laws of this Commonwealth and the rules and regulations of the various departments of the Commonwealth . . .” Act 45 of 1999 (Act 45) repealed portions of the Fire and Panic Act (35 P.S. §§ 1221—1235) and directs the Department of Labor and Industry (L&I) to promulgate regulations to implement Act 45 within 180 days. Consequently, L&I is in the process of writing regulations which will replace the existing fire and panic regulations. In the development of the final regulation, Health should take into consideration Act 45 and, to the extent possible, the resulting L&I regulations.

Furthermore, some of the fire safety provisions in the proposed regulation are more stringent than the existing L&I requirements in 34 Pa. Code Chapters 55, 56 and 58. Although more stringent requirements may be appropriate for the population served by these facilities, Health should consider the fiscal impact and reasonableness of its regulation on new and existing facilities. Where Health’s final regulation exceeds the requirements of other departments, Health should justify the need for more stringent regulations.

**2. Chapter 705. Physical plant standards.—Clarity.**

The subtitles of Chapter 705 are dissimilar. The index lists the subtitle “Physical plant standards for nonresidential services.” The body of the regulation uses the subtitle “Nonresidential services.” The subtitles also use the word “services” rather than “facility.” We suggest using the defined terms “Residential facility” and “Non-residential facility” for subtitles to clearly establish the appropriate physical plant requirements for a facility.

**3. Section 705.1. General requirements for inpatient nonhospital facilities (residential treatment and rehabilitation). and Section 705.21. General requirements for nonresidential treatment facilities.—Clarity.**

*Licensure*

The Preamble and Section 705.1(c) discuss licensure of facilities. However, licensure is not included in the general requirements. Section 705.21 also provides general requirements without specific reference to licensure. For clarity, Health should amend sections 705.1 and 705.21 to include a cross-reference to existing requirements for licensure found in 28 Pa. Code §§ 709.11—709.18.

**4. Sections 705.2. and 705.22. Building exterior and grounds.—Need; Clarity.**

*Subsections (2)*

These subsections require the grounds of the facility to be in “good condition.” The phrase “good condition” is unclear. How would the regulated community know whether their facility complies? Health should either add specific requirements for the grounds or delete the requirement that the grounds be in good condition.

*Subsections (4)*

Subsections (4) require removal of garbage “on a regular basis, at least once a week.” The phrase “on a regular basis” is unnecessary and should be deleted.

**5. Section 705.3. Living rooms and lounges.—Clarity.**

*Subsection (1)*

This subsection is vague. What is necessary to meet the criteria “appropriately furnished” and “which creates a relaxed and comfortable atmosphere”? Health should delete these phrases, or use standards that can be clearly understood and enforced.

**6. Section 705.4. Counseling areas and office space. and Section 705.23. Counseling or activity areas and office space.—Clarity.**

*Subsections (1)*

The phrase “adequate space” is unclear. Health should either delete the term “adequate” or use a standard that can be clearly understood and enforced.

*Subsections (2)*

These subsections are vague. What is necessary to meet the criteria “comfortable furnishings” and “which are appropriate for the intended purpose”? Health should delete these phrases, or use standards that can be clearly understood and enforced.

**7. Section 705.5. Sleeping accommodations.—Reasonableness; Need; Economic Impact.**

*Subsection (a)*

Subsection (a) has several vague requirements. Paragraph (1) requires bed frames to be of “solid construction” and “sized appropriately to the needs of the resident.” Paragraphs (2) and (3) use the term “comfortable.” Health should delete these phrases, or use standards that can be clearly understood and enforced.

*Subsection (b)*

Subsection (b) requires facilities to provide a minimum of 60 square feet of bedroom space per bed (including space occupied by furniture) for each resident sharing a room and a minimum of 80 square feet for single bedrooms. Representative O’Brien, Chairperson of the House Health and Human Services Committee, commented that the square footage requirement is unreasonable. Senator Dent and Representative Mann urged Health to reconsider the impact of this provision. Several facilities commented that this requirement could cause facilities to eliminate beds and lose significant income.

Health states in the Preamble that existing facilities would be exempted from certain requirements which might impose costs too great for them to absorb and continue to function effectively. Health should explain:

- The need for this requirement and why the square footage requirements are not included with the “grandfather” exemptions in section 705.1(c).
- How many currently licensed facilities would not meet the requirement in subsection (b) based on their current population.
- How many beds would be lost to existing facilities and how much income would these facilities lose as a result of the proposed square footage requirements.

*Subsection (j)*

Subsection (j) should more directly state its requirements, such as “Bedrooms located in a basement shall meet the following requirements: . . .”

Paragraph (1) uses the vague term “appropriate.” Health should delete this term.

Paragraph (3) requires two basement exits “each located reasonably remote from the other in a manner to reduce the possibility that both will be blocked in an emergency situation.” It is unclear how a facility would comply with this phrase. Health should amend this language to more clearly state its intent.

#### 8. Sections 705.6. and 705.24. Bathrooms.—Clarity.

##### *Water supply*

Subsection 705.6(3) requires an “adequate” supply of hot and cold running water “to meet the needs of the residents.” What standard is established by the term “adequate” and the phrase “to meet the needs of the residents”? Health should delete this term and phrase, or provide a more definitive standard.

##### *Location of bathrooms (nonresidential facilities)*

Subsection 705.24(1) requires bathrooms to be “conveniently located throughout the facility.” It is unclear what the phrase “conveniently located throughout the facility” means. Is the intent to require a minimum number of bathrooms depending on the capacity of the facility? Health should amend this language to state a more definitive standard.

##### *Consistent use of the term “bathroom”*

Subsection 705.24(1) uses the term “lavatories.” Subsections 705.6(5) and 705.24(3) use the phrase “toilet and wash rooms.” For consistency, Health should use the term “bathrooms” in these subsections.

#### 9. Sections 705.7. and 705.25. Kitchens.—Clarity.

##### *Cabinet space*

Subsections (1) require kitchens to have “adequate cabinet space for storage needs.” The term “adequate” is vague and should be deleted. If the intent of this provision is to ensure that nonperishable food items and kitchen utensils are stored in cabinets, the regulation should be revised to reflect this intent.

##### *Storage temperatures for food items*

Subsections (5) require all prepared food items to be “properly” refrigerated or stored. The term “properly” is vague and would be difficult for facilities to comply with. Similar requirements in the Department of Public Welfare’s (DPW) child residential and day treatment facilities regulations (55 Pa. Code § 3800.104(e)) specify that cold food must be stored at or below 40° F, hot food at or above 140° F, and frozen foods at or below 0° F. Health should consider including specific temperature storage requirements in the final regulation.

#### 10. Sections 705.8. and 705.26. Heating and cooling.—Economic Impact; Need.

As written, subsections (1) would require all facilities to have air conditioning to maintain an indoor temperature no more than 90 degrees. We have two concerns. First, do all existing facilities have air conditioning? Second, why is the use of fans excluded? Health should allow fans or explain the need for this requirement, and the economic impact on a facility that does not have air conditioning.

#### 11. Sections 705.9. and 705.27. General safety and emergency procedures.—Clarity.

##### *Subsections (4)*

These subsections require each facility to “provide written procedures for staff and residents to follow in case of an internal or external emergency or disaster.” The difference between an “emergency” and a “disaster” is unclear. Furthermore, subsections (4)(ii) refer to “emer-

gencies,” and subsections (5) refer to a “fire, other disaster or situation.” If there is a distinction between an “emergency” and a “disaster,” Health should define these terms in section 701.1. If there is no distinction, Health should use a single term consistently.

Subsections (4)(i) require the written procedures to be developed with assistance from “qualified fire and safety personnel.” To improve clarity, Health should specify the credentials necessary to be considered “qualified fire and safety personnel.”

Furthermore, Health should clarify who reviews the procedures and when the review is conducted.

Subsections (4)(ii) require:

Procedures shall also include provisions for the transfer of residents and staff to a safe location within the residential facility for the evacuation of residents and staff when necessary, and for assignments of staff during emergencies.

This sentence is lengthy and unclear. It appears the “procedures” must address transfer of residents and staff; evacuation of residents and staff; and staff assignments during emergencies. These subsections would be clearer if these requirements were listed separately. Also, the transfer and evacuation procedures should address situations where the residents are impaired by drugs or alcohol.

#### 12. Sections 705.10. and 705.28. Fire safety.—Reasonableness; Health and Safety; Clarity.

##### *Subsections (a)*

Subsections (a)(1)(ii) require facilities to maintain two exits on every floor. Each exit is to be “remote enough from the other to reasonably ensure that both will not be blocked in an emergency situation.” If the intent of subsections (a)(1)(ii) is to prevent everyone from crowding one exit in an emergency, then Health could specify the number of exits required in relation to the number of occupants per floor. Health could also specify the minimum distance required between exits. Finally, the phrase “reasonably ensure” is vague and should be deleted.

In sections 705.10(a)(1)(iii) and 705.28(a)(1)(iv), the term “guards” is vague. Health should define this term or use another term that more clearly indicates what is required on stairs, ramps, balconies and landings.

##### *Subsections (b)*

Subsections (b) require the facility to “maintain” smoke detectors and fire alarms, but do not state how quickly a malfunctioning alarm must be repaired. Section 3800.130(g) of DPW’s regulations require repairs to be made within 48 hours of when the smoke detector or fire alarm is discovered to be inoperable. Subsections (b) should specify that if the smoke detectors or fire alarms are inoperable, repairs must be completed within a specific timeframe.

##### *Subsections (c)*

These subsections should specify that if the fire extinguisher is inoperable, repairs must be completed within a specific timeframe.

Subsections (c)(4) require facilities to instruct all staff and residents in the use of fire extinguishers. A commentator noted that the primary responsibility of a resident in the case of a fire is to sound the alarm and then to get out. Instructing a resident in the use of a fire extinguisher implicitly requires a resident to use a fire extinguisher and may place the resident at risk. Health should

reconsider the requirement for residents to be instructed in the use of fire extinguishers.

*Subsections (d)*

Subsections (d)(1) require a fire drill to be conducted every 60 days. Since the duration of treatment for some residents and clients of nonresidential facilities may be less than 60 days, Health should consider more frequent fire drills. Alternatively, Health could require individual fire drill instruction for new residents. Health should also define "special incidents."

Also, section 705.10(d)(2) requires fire drills to be conducted at different times of the day and night. However, the regulation does not specifically require any drills to be conducted during sleeping hours. Health should consider periodically requiring a fire drill during sleeping hours.

Subsections (d)(3) require that personnel on all shifts be "trained to perform assigned tasks during emergencies." Health should clarify what is included in the training and when the training must occur.

**13. Sections 705.11. and 705.29. Child care.— Reasonableness; Clarity.**

*Subsections (1)*

Subsections (1)(ii) require access to "suitable recreational equipment." The term "suitable" is vague and should be deleted or replaced with more specific requirements.

*Subsections (2)*

Subsections (2)(ii) require safety screens for all windows. This requirement appears to be unnecessary for windows that do not open. Health should revise this requirement to apply to all operable windows.

Subsections (2)(iii) require protective caps for each electrical outlet within reach of small children. How is "small" defined? Basically, a child can reach all outlets. Because of the ambiguity of the language, Health should delete the phrase "within reach of small children" from these subsections.

Subsections (2)(iv) require facilities to secure storage areas where "potentially dangerous" substances are kept. Health should delete the phrase "potentially dangerous" or define it so that it can be clearly understood and enforced.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-186. Filed for public inspection January 28, 2000, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-353	Department of Revenue Sales and Use Tax; Books, Publications and Advertising Materials	1/19/00
7-339	Environmental Quality Board Surface Coating Processes	1/19/00
7-343	Environmental Quality Board Nitrogen Oxides Allowance	1/19/00

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-4911	State Board of Medicine Requirements of the Health Care Services Malpractice Act	1/18/00

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-187. Filed for public inspection January 28, 2000, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Allstate Indemnity Company; Private Passenger Automobile Insurance Program; Rate Filing**

On January 18, 2000, the Insurance Department (Department) received from Allstate Indemnity Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 6.3% increase amounting to \$11.8 million annually, to be effective May 15, 2000.

Unless formal administrative action is taken prior to March 18, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 or E-mail at mburkett@ins.state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-188. Filed for public inspection January 28, 2000, 9:00 a.m.]

**Application for Approval to Redomesticate**

EastGUARD Insurance Company, a Maine stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Maine to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under 15 Pa.C.S. §§ 1101—1997, relating to the Business Corporation Law of 1988. Persons wishing to comment on the redomestication are invited to submit a

written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include 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 and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by E-mail rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-189. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Application for Approval to Redomesticate

SAFECO Insurance Company of Pennsylvania, a domestic stock casualty insurance company, has filed for approval a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Tennessee. The initial filing was made under the requirements set forth under 15 Pa.C.S. §§ 1101—1997, relating to the Business Corporation Law of 1988. Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by E-mail rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-190. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Application for Merger

An application has been received requesting approval of the merger of Chester County Mutual Insurance Company, a mutual fire insurance company organized under the laws of the Commonwealth of Pennsylvania, with and into Cumberland Mutual Fire Insurance Company, a mutual insurance company organized under the laws of the State of New Jersey. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. § 991.1401 et seq.), Section 1957 of the Business Corporation Law, 15 Pa.C.S. § 1957, and the GAA Amendments Act of 1990 (15 P. S. § 21101 et seq.). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, 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. 00-191. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Application for Voluntary Surrender of its Certificate of Authority

General Title Insurance Corporation of America, a domestic title insurance company, has submitted an application for approval to surrender its Pennsylvania Insurance Department Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender, are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-192. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Department Addresses and Hours of Operation; Notice 2000-01

The addresses and hours of operation for the Insurance Department are as follows. Unless otherwise indicated, all mail may be addressed to the Department at 13th Floor Strawberry Square, Harrisburg, PA 17120.

(a) The room numbers for the Offices and Bureaus of the Department are as follows:

(1) Office of the Commissioner—Room 1326

(a) Office of Chief Counsel—Room 1341

(b) Children's Health Insurance Program (CHIP)—333 Market Street, Lobby Level, Harrisburg PA 17101. Mail is sent to CHIP, 13th Floor, Harrisburg, PA 17120

(2) Office of Policy, Enforcement and Administration

(a) Bureau of Enforcement—Room 1326

(b) Bureau of Administration—Room 1326

(c) Bureau of Information Technology—Room 1344

(d) Communications Office—Room 1326

(e) Office of Special Projects—Room 1326

- (f) Legislative Affairs Office—Room 1326
- (g) Policy Office—Room 1326
- (3) Office of Regulation of Companies—Room 1345
- (a) Bureau of Licensing and Financial Analysis—Room 1345
- (b) Bureau of Examinations—Room 1345
- (3) Office of Consumer and Producer Services—Room 1321
- (a) Bureau of Producer Licensing—Room 1300
- (b) Bureau of Consumer Services—Room 1321
- (i) Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130
- (ii) Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222
- (iii) Erie Regional Office, P. O. Box 6142, 808 Renaissance Center, Erie, PA 16512
- (4) Office of Rate and Policy Regulation—Room 1311
- (a) Accident and Health Bureau—Room 1311
- (b) Life Bureau—Room 1311
- (c) Property and Casualty Bureau—Room 1311
- (5) Office of Liquidations, Rehabilitations and Special Funds, Capitol Associates Building, 901 N. 7th Street, Harrisburg, PA 17102
- (a) Project Office
- (b) Bureau of Liquidations Administration
- (c) Bureau of Liquidation Claims
- (d) Bureau of Special Funds
- (b) Filings with the Department's Administrative Hearings Office may be addressed to Capitol Associates Building, 901 N. 7th Street, Harrisburg, PA 17102
- (c) Business Hours

The Department's business hours are 8 a.m. to 4:30 p.m.

The Department shall publish this list as necessary or annually if there are no changes. Questions or comments regarding this notice may be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, phone (717) 787-4429. Questions or comments may also be sent by E-mail to [psalvato@ins.state.pa.us](mailto:psalvato@ins.state.pa.us) or by fax to (717) 772-1969.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-193. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78)(40 P. S. § 1008.9(a)) in connection with his company's termination of the insured's automobile policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by

the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Donna M. Lauck; file no. 99-181-07332; Colonial Penn Insurance Company; doc. no. P00-01-001; February 17, 2000, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After 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 hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-194. Filed for public inspection January 28, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (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 February 22, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00116496. Temple of Faith Community Church** (1407 Church Street, Philadelphia, Philadelphia County, PA 19124), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the city and county of Philadelphia, to all state correctional facilities located in this Commonwealth, and return.

**A-00116501. Joseph Ralph Judy, t/d/b/a Judy's Airport Shuttle** (1201 North Juniata Street, Apartment I, Hollidaysburg, Blair County, PA 16648)—persons in airport transfer service, from points in the borough of Hollidaysburg, Blair County, and within an airline distance of 50 statute miles of the limits thereof, to the Pittsburgh International Airport in the county of Allegheny, the Harrisburg International Airport in the county of Dauphin, University Park Airport in the county of Centre and the Altoona-Blair County Airport in the county of Blair.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00116074, F. 2. Audrey Cab, Inc., t/d/b/a County Cab Co.,** (306 East Baltimore Pike, Suite A, Media, Delaware County, PA 19063), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand, (1) in that portion of the township of Upper Darby, Delaware County, east of and including Lansdowne Avenue, and north of and including Marshall Road; and (2) from the 69th Street Terminal and from points on West Chester Pike between 69th Street and Garrett Road in Upper Darby Township, Delaware County; which is to be a transfer of the right granted to County Cab Co., Inc., under the certificate issued at A-00109271, subject to the limitations and conditions. *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-00116498. Shawn Cab, Inc., t/d/b/a Delaware County Cab Company** (306 East Baltimore Pike, Suite A, Media, Delaware County, PA 19063), a corporation of the Commonwealth of Pennsylvania—persons, upon call or demand, in the townships of Upper Providence, Springfield, Ridley, Nether Providence, Middletown, Edgemont, and Aston, and the boroughs of Chester Heights, Brook Haven, Media, Morton, Ridley Park, Rose Valley, Swarthmore, Rutledge and Glenolden, all in the county of Delaware; which is to be a transfer of all of the right authorized under the certificate issued at A-00111132 to Delaware County Cab Company, subject to the same limitations and conditions. *Attorney:* John J. Gallagher, P.C., Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

**A-00116499. Dee Dee Cab, Inc., t/d/b/a Penn-Del Cab** (306 East Baltimore Pike, Suite A, Media, Delaware County, PA 19063), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand, (1) between points in the borough of Lansdowne, Delaware County; (2) in that portion of the township of Upper Darby, Delaware County, west of and including Lansdowne Avenue; (3) at the 69th Street Terminal in the township of Upper Darby, Delaware County; and (4) within that area of the city of Philadelphia bounded on the north by Lancaster Avenue, on the east by 56th Street, on the south by Grays Avenue (Grays Ferry Avenue), and on the west by the city limits; which is to be a transfer of the right granted to Penn-Del Cab Company, Inc., under the certificate issued at A-00108167, subject to the limitations

and conditions. *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-00116500. Ronald Cab, Inc., t/d/b/a Community Cab** (306 East Baltimore Pike, Suite A, Media, Delaware County, PA 19063), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand: (1) at the 69th Street terminal located in the township of Upper Darby, Delaware County; (2) at the SEPTA terminal at 9th and Main Streets, in the borough of Darby, Delaware County; and (3) in the boroughs of East Lansdowne and Yeadon, and that portion of Upper Darby Township south of and including Marshall Road and east of Union Avenue and Wycombe Avenue, north of the Eden Borough line and west of Cobbs Creek Parkway, Delaware County; which is to be a transfer of all the rights authorized under the certificate issued at A-00109270 to Community Cab Co., Inc., subject to the same limitations and conditions. *Attorney:* John J. Gallagher, P.C., Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

**A-00116495. West Shore Regional Transportation, Inc., t/d/b/a West Shore Taxi** (50 Market Street, Lemoyne, Cumberland County, PA 17043), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in the city of Harrisburg, the townships of Susquehanna, Lower Paxton, Swatara and Lower Swatara, and the boroughs of Penbrook, Paxtang and Middletown, all in Dauphin County; subject to the following condition: That no right, power or privilege is granted to provide service originating in Swatara Township to points in the township of Lower Swatara and the boroughs of Highspire and Middletown, Dauphin County; and two persons upon call or demand between points in the boroughs of Carlisle, Mt. Holly Springs and Newville, and the townships of Dickinson, Lower Frankford, Middlesex, North Middleton, North Newton, Penn, South Middleton, South Newton, Upper Frankford and West Pennsboro, Cumberland County; which is to be a transfer of all of the rights authorized under the certificate issued at A-00095171, F. 1, Am-B and F. 1, Am-C to West Shore Taxi Company, subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, Dauphin Bank Building, 12th Floor, 1 South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

**A-00116495, Folder 2. West Shore Regional Transportation, Inc., t/d/b/a West Shore Taxi** (50 Market Street, Lemoyne, Cumberland County, PA 17043), a corporation of the Commonwealth of Pennsylvania—persons and their baggage, on schedule, in limousine service, from Nationwide Inn located in the city of Harrisburg, Dauphin County, to airport facilities located in Lower Swatara Township, Dauphin County, south of Highway Route 230, and vice versa; subject to the following conditions: (a) that no right, power or privilege is granted to transport persons and their baggage in vehicles having a seating capacity in excess of nine persons including the driver; and (b) that all service rendered under the authority herein granted shall be on regularly published schedule; and no call or demand service shall be rendered; and two persons and their baggage, on schedule, in limousine service, from the Camp Hill Shopping Center located in the borough of Camp Hill, the West Shore Plaza located in the borough of Lemoyne and the Penn-Harris Motor Inn located in the township of East Pennsboro, all in Cumberland County, and the Hotel Governor, the Penn-Harris Hotel, the Holiday Inn Town, the Nationwide Inn and the North Office Building, all located in the city of Harrisburg, Dauphin County, to airport facilities located in Lower Swatara Township, Dauphin County, and vice versa; subject to the following conditions: (a) that

no right, power or privilege is granted to transport persons and their baggage in vehicles having a seating capacity in excess of 12 persons including the driver; and (b) that all service rendered under the authority granted herein shall be on regularly scheduled service, and no call or demand service shall be rendered; which is to be a transfer of all of the rights authorized under the certificate issued at A-00095171, F. 3, Am-A and F. 3, Am-B to West Shore Taxi Company, subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, Dauphin Bank Building, 12th Floor, 1 South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

**A-00116495, Folder 3. West Shore Regional Transportation, Inc., t/d/b/a West Shore Taxi** (50 Market Street, Lemoyne, Cumberland County, PA 17043), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the county of Cumberland, and from said county, to points within an airline distance of 10 statute miles of the limits of said county, and return; subject to the following conditions: (a) that the service herein authorized is limited to transportation in vehicles having a seating capacity of not more than 15 persons including the driver; without the use of dome lights or taximeters; which is to be a transfer of all the right authorized under the certificate issued at A-00095171, F. 5 to West Shore Taxi Company, subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, Dauphin Bank Building, 12th Floor, 1 South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-00116497. Gary C. Walk, Jr., t/d/b/a Walks Moving** (5812 Avondale Avenue, Altoona, Blair County, PA 16601)—household goods in use, between points in the city of Altoona, Blair County, and within an airline distance of 30 statute miles of the limits of the city. *Attorney:* John F. Siford, 2006 Sixth Avenue, Altoona, PA 16602.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-00113208, F. 2. Nocella Property Service, Inc. (Formerly Charles Nocella. t/d/b/a Nocella Property Maintenance** (2200 Rutgers Drive, Broomall, Delaware County, PA 19008), a corporation of the Commonwealth of Pennsylvania—additional right—household goods in use between points in Pennsylvania; subject to the following condition: That all service shall be limited to service performed under eviction and foreclosure services. *Attorney:* Louis J. Carter, 7300 City Line Avenue, Philadelphia, PA 19151-2291.

**Application of the following for the approval of the transfer of stock as described under each application.**

**A-00091409, F. 5000. Hammer's Moving & Storage, Inc.** (810 West Main Street, Lansdale, Montgomery County, PA 19446), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of

all issued and outstanding stock (100 shares) held by Ana Maria Diaz to Rosendo Diaz III. *Attorney:* James H. Freeman, 1767 Sentry Parkway, Blue Bell, PA 19422.

[Pa.B. Doc. No. 00-195. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Telecommunications

**A-310510. Bell Atlantic-Pennsylvania, Inc. and CTSI, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and CTSI, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and CTSI, Inc., by its counsel, filed on January 10, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and CTSI, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-196. Filed for public inspection January 28, 2000, 9:00 a.m.]

### Telecommunications

**A-310868F0002. Bell Atlantic-Pennsylvania, Inc. and Cooperative Communications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Cooperative Communications, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Cooperative Communications, Inc., by its counsel, filed on January 10, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Cooperative Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-197. Filed for public inspection January 28, 2000, 9:00 a.m.]



## Telecommunications

**A-310855F0002. Bell Atlantic-Pennsylvania, Inc. and Nustar Telephone Co., Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Nustar Telephone Co., Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Nustar Telephone Co., Inc., by its counsel, filed on January 10, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Nustar Telephone Co., Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-198. Filed for public inspection January 28, 2000, 9:00 a.m.]

## Telecommunications

**A-310862F0002. Blue Star Communications, Inc.** Adoption by Blue Star Communications, Inc. of an interconnection agreement between GTE North Incorporated and AT&T Communications under section 252(i) of the Telecommunications Act of 1996.

GTE North Incorporated and BlueStar Communications, Inc., by its counsel, filed on January 7, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the GTE North Incorporated and BlueStar Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-199. Filed for public inspection January 28, 2000, 9:00 a.m.]

## Telecommunications

**A-310696F0002. United Telephone Company of Pennsylvania d/b/a Sprint and Dieca Communications, Inc. d/b/a Covad Communications Company.** Joint Application of United Telephone Company of Pennsylvania d/b/a Sprint and Dieca Communications, Inc. d/b/a Covad Communications Company for approval of an interconnection and resale agreement under section 252(a)(I) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and Dieca Communications, Inc. d/b/a Covad Communications Company by its counsel, filed on January 7, 2000, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Dieca Communications, Inc. d/b/a Covad Communications Company Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-200. Filed for public inspection January 28, 2000, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 9915.4, Repair of Container Crane Shore Power Stations, Packer Avenue Marine Terminal, until 2 p.m. on Thursday, February 10, 2000. The bid documents can be obtained from the Director of Procurement, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available January 25, 2000. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held Thursday, February 3, 2000, 10 a.m. at the job site, Delaware Ave. and South Gate at Pumphouse No. 1, Philadelphia, PA 19148.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 00-201. Filed for public inspection January 28, 2000, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide

#### Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:) Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!**

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Commodities**

**6500-085** Materials required to construct pole barn building at State Correctional Institution at Retreat. Metal panels, trusses, lumber, etc. will be bid. Contact institution's purchasing office for bid packages.

**Department:** Corrections  
**Location:** State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621  
**Duration:** January 28, 2000—September 30, 2000  
**Contact:** Barbara Swiatek, (570) 735-8754

**1296209** Air and oil filters. For a copy of the bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**8505150** Precast Concrete Box Culvert. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Carlisle, Cumberland County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**8505140** Brake, dryer. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**8505050** Alarm, back-up, shock mounted. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1354159** 2001 Commonwealth telephone directory. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1347239** Antlerless deer license envelopes. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1327389** Articulated motor grader with all-wheel drive. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Conservation and Natural Resources  
**Location:** Renovo, Clinton County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1325219** Furnish and install 80KW, 208/120 volt, three phase generator. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Bridgeville, Allegheny County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1307229** Latest model two wheel drive diesel engine utility body truck in accordance with bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**SERVICES**

**FDC-405-672** Rehabilitate an existing pavilion at Fort Washington State Park in Montgomery County. Work includes removing existing concrete slabs and bituminous paving; installing new concrete slabs; construct approximately 400 ft. of gravel walkway; roof repairs; miscellaneous wood replacement; water fountain; minor plumbing and drainage. Bid documents will be available on or after January 31, 2000.

**Department:** Conservation and Natural Resources  
**Location:** White Marsh Township  
**Duration:** Complete all work by June 2, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**Construction & Construction Maintenance—09**

**015DGS1103-40ST1** Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Removal of a limited number of existing footings. Excavation and removal from site earth for installation of under slab drainage systems. Backfill and compaction against concrete footings after their installation by others. Maintenance of the site, site security and the existing site chain link fence. Other lead Contractor duties are required. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$1,000,000 to \$2,000,000. Excavation and Shoring (Lead Contractor). Plans Deposit \$175 per set Payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, (412) 788-1500. Bid Date: Wednesday, February 23, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, February 2, 2000 at 1:30 p.m. Meet at 210 S. Bouquet St., Pittsburgh, PA (one block South from the "O" Restaurant). Contact: Scott Womack, (412) 788-1500. Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA  
**Duration:** 187 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS1103-40ST2** Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction of cast concrete footings, walls and suspended floor slabs. Installation of steel rebar, steel sleeves, electrical conduit, and other devices for attachment by others. Foundation waterproofing, vertical waterproofing, and horizontal surface waterproofing is also a part of this project. Project is located at Forbes Avenue and Bouquet St. in Pittsburgh, PA. Estimated Range: \$2,000,000 to \$5,000,000. Foundations and Waterproofing. Plans Deposit: \$175 per set Payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, (412) 788-1500. Bid Date: Wednesday, February 23, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, February 2, 2000 at 1:30 p.m. Meet at 210 S. Bouquet St., Pittsburgh, PA (one block South from the "O" Restaurant). Contact: Scott Womack, (412) 788-1500. Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA  
**Duration:** 187 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**KUFR-0003** Kutztown University is seeking qualified contractors for an open-ended requirements contract to perform Major Paving Renovations at Kutztown University. Bid packages are available for a nonrefundable fee of \$15 from: Barbara Barish, Contract Specialist, Office of Planning and Construction, Kutztown University, P. O. Box 730, Kutztown, PA 19530, (610) 683-4602. Packages are available from January 31, 2000 through Prebid. A prebid meeting has been scheduled on February 10, 2000 at 10 a.m. in Room OM-26 Old Main Building. Bids are to be received no later than 2 p.m. on February 24, 2000 in the Office of Planning and Construction, Room 236. Bids will be opened on February 24, 2000 at 2 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  
**Duration:** One year after NTP (4 additional year renewal options)  
**Contact:** Barbara Barish, (610) 683-4602

**015DGS503-18** Project Title: Installation of Updated High Voltage Distribution Cables Throughout Systems. Brief Description: Clean ducts for feeders 2, 4, 6 and portions of no. 3; remove 5KV cables. Disconnect/remove 5KV oil fused cutout switches and replace with load break switches. Modify vaults, duct bank and manholes. Finish extension of feeder no. 3. Estimated Range: \$100,000 to \$500,000. Electrical Construction. Plans Deposit: \$75 per set Payable to: Consolidated Design and Engineering t/a Consolidated Engineers. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed. Mail requests to: Consolidated Design and Engineering, t/a Consolidated Engineers, 1022 James Drive, Leesport, PA 19533, (610) 916-1600. Bid Date: Wednesday, February 23, 2000 at 1 p.m. A Prebid Conference has been scheduled for Thursday, February 10, 2000 at 10 a.m. at Danville State Hospital in the Engineering Building (Green Building), on the Main Floor in Conference Room. Contact: Steve Gribbs, (610) 916-1600. Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Danville State Hospital, Danville, Montour County, PA  
**Duration:** 215 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FDC-004-746** Reweld steel grid decking to steel beams on three bridges; provide and install new guide rail; and maintenance and protection of traffic in Forest District No. 4 in the Mt. Davis area, Somerset County. Bid documents will be available on or after January 31, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Elk Lick Township  
**Duration:** 60 days  
**Contact:** Construction Management Section, (717) 787-5055

**015DGS1103-40ST3** Project Title: Construction of the Multi-Purpose Academic Complex. Brief Description: Construction Structural Steel Frame upon cast-in-place concrete foundations built by others. Onsite welding, erection and other required items are a part of this project. Project is located at Forbes Avenue and Bouquet Streets in Pittsburgh, PA. Estimated Range: \$2,000,000 to \$5,000,000. Structural Steel. Plans Deposit: \$175 per set Payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, (412) 788-1500. Bid Date: Wednesday, February 16, 2000 at 11 a.m. A Prebid Conference has been scheduled for Thursday, February 2, 2000 at 1:30 p.m. Meet at 210 S. Bouquet St., Pittsburgh, PA (one block South from the "O" Restaurant). Contact: Scott Womack, (412) 788-1500. Contractors who have secured Contract Documents are invited and strongly urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA  
**Duration:** 259 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**Project 1021** Replace existing roof with new roofing systems necessary because of deteriorated existing condition.

**Department:** Military Affairs  
**Location:** Army National Guard Armory, 261 King St., Pottstown, PA  
**Duration:** DOA—September 30, 2000  
**Contact:** Gene Ollar, (717) 861-2921

**015DGS948-12R, Phase 5, Part L** Project Title: Perimeter Security Project West Side of Capital. Brief Description: Security system to West Plaza entrance/exit including two guard stations vehicle bollards/barriers, gate arms with card access, link entry system to IMCS retaining walls and replace roadways to the plaza. Estimated Range: \$2,000,000 to \$5,000,000. General and Electrical Construction. Plans Deposit: \$150 per set Payable to Vitetta, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: Vitetta, Inc., Philadelphia Naval Business Center, 4747 S. Broad Street, Philadelphia, PA 19112, (215) 235-3500. Bid Date: Wednesday, February 9, 2000 at 2 p.m. A Prebid Conference has been scheduled for Tuesday, January 25, 2000 at 11 a.m. in Room 14 Eastwing Capital Building, Harrisburg, Dauphin County, PA. Contact: Tim Werner with Reynolds Construction Management, (717) 230-8367. There will be a Site Visit immediately following the Prebid Conference. Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Main Capital Building Harrisburg, Dauphin County, PA  
**Duration:** Completion Dated by August 27, 2000  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**080S42** Site development on 5.64 acre site located in Fawn Township, York County approximately 1 mile south of Gatchetville. Work will include excavation, grading, embankment placement, installation of temporary and permanent erosion and sedimentation control measures, on site stockpiling of topsoil and removal of excess excavated material.

**Department:** Transportation  
**Location:** Fawn Township, York County approximately 1 mile south of Gatchetville  
**Duration:** 4 months  
**Contact:** Ray Ebersole, (717) 787-4735

**064901** Demolition of buildings and site improvements located 1286-1288-1290-1292-1294 Welsh Road and 1500 Swedesford Road, Upper Gwynedd Township, Montgomery County, PA S. R. 202 Section 701.

**Department:** Transportation  
**Location:** Upper Gwynedd Township, Montgomery County, PA  
**Duration:** Open  
**Contact:** Roger Joseph, (610) 205-6505

## Court Reporting—10

**CLDJG2920** Court Reporting services for the Sixteenth Statewide Investigating Grand Jury, housed in Harrisburg, Dauphin County, PA. Services are required 4-5 days/month for 18 months beginning March 2000 through September 2001.

**Department:** Attorney General  
**Location:** Downtown Harrisburg, PA  
**Duration:** 18 months beginning March 2000 through September 2001 with the possibility of an additional 6 month extension  
**Contact:** Jean M. Kreiser, (717) 705-6559

**Engineering Services—14**

**FDC-500-773** Retention of a professional design firm for various building and associated engineering designs (architectural, mechanical, plumbing, HVAC and electrical and CADD services throughout Pennsylvania. Complete information will be available on or after January 31, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Throughout Pennsylvania  
**Duration:** Five years  
**Contact:** Construction Management Section, (717) 787-5055

**SP 1375997534** Provide all labor, materials, tools, equipment, items and devices for the studying of lead in selected soils at Fort Indiantown Gap Military Reservation.

**Department:** Military Affairs  
**Location:** Ft. Indiantown Gap, Annville, PA  
**Duration:** April 1, 2000—September 30, 2001  
**Contact:** Emma Schroff, (717) 861-8518

**Environmental Maintenance Services—15**

**OSM 54(3650)101.1** Backfill Strip Pits and Openings, Newtown South I involves approximately grading 168,900 c.y. and seeding 33 acres. 100% of this project is Federally funded under the \$21.7 million PA AML Grant. This project issues January 28, 2000; payment in the amount of \$10 must be received before bid documents are sent.

**Department:** Environmental Protection  
**Location:** Reilly Township  
**Duration:** 230 calendar days  
**Contact:** Construction Contracts Section, (717) 783-7994

**120004** Provide On-Call Drilling Equipment and operator for soils and geological engineering investigation on various types of terrain. Also provide maintenance and protection of traffic during drilling operations when required. Contract will include renewal language similar to 'By mutual consent of both parties, this contract shall be renewable for 1-year periods for a total of four such renewals'. Letters of interest must be received no later than close of business on the Friday after the last date this advertisement appears in the *Pennsylvania Bulletin*.

**Department:** Transportation  
**Location:** Anywhere within District 1200: Fayette, Greene, Washington and Westmoreland Counties  
**Duration:** July 1, 2000, to June 30, 2001  
**Contact:** D. Michael Kuhn (or Bob Hoone), (724) 439-7245

**6500-087** Contractor shall maintain fire extinguishers, self-contained breathing apparatus and the Anslu system. Specifications on file with the institution's Purchasing Office.

**Department:** Corrections  
**Location:** State Correctional Institution, 660 State Route 11, Hunlock Creek, PA 18621  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Barbara Swiatek, (570) 735-8754

**Food—19**

**# AC 8358** Perishable Food Items as follows: Meat and meat products, poultry and poultry products, miscellaneous frozen foods, produce, prepared salads-fresh, fruits and vegetables-frozen, fish and fish products-frozen, cheese, dairy products, frozen juices and ice cream, sherbert and related novelties. Commodities and quantities available from Purchasing Office, Ebensburg Center, Rt. 22 W, P. O. Box 600, Ebensburg, PA 15931. Awards made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom) Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** April 1, 2000 through June 30, 2000  
**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0259

**# 8357** Perishable Food Items as follows: Meat and meat products, poultry and poultry products, miscellaneous frozen foods, produce, prepared salads-fresh, fruits and vegetables-frozen, fish and fish products-frozen, cheese, dairy products, frozen juices and ice cream, sherbert and related novelties. Commodities and quantities are available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** April 1, 2000 through June 30, 2000  
**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0259

**dy. # 4234** Perishable foods for the period beginning April 1, 2000 through June 30, 2000.

**Department:** Public Welfare  
**Location:** Agency Dietary Department, Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** April 1, 2000 through June 30, 2000  
**Contact:** F. Molisee, P.A. II, (412) 257-6215

**08829011** Miscellaneous Frozen Foods: Baked Goods: 180 dz-croissants, 72 dz-Danish sweet rolls, 60 dz-muffins/blueberry, 136 dz-French toast, 36 cs-pancakes, 204 dz-waffles, 30 ea-pie/lemon meringue. Entrees: 320 lb-cheese stuffed shells, 288 lb-vegetable lasagna, 80 lb-pizza patties w/cheese slice, 288 slices-pizza slices, 24 cs-meat lasagna w/sauce, 127 cs-macaroni/cheese, 9 cs-creamed spinach, 27 cs-tuna noodle casserole, 24 cs-chicken croquettes, 43 cs-gs/liquid/whole/mixed, 480 lb-liquid egg product substitute, 4 cs-hard cooked peeled eggs, 6 cs-vegetarian burger, 560 dz-milkshake/6 oz/choc/van/straw. Purees: meats (various)-168 cs, desserts (various)-87 cs, vegetables (various)-248 cs. Delivery: bi-monthly.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** April 1, 2000 through June 30, 2000  
**Contact:** Sherry Wenger, Purchasing Dept., (717) 749-4031

**Hazardous Material Services—21**

**LBP-2000-19** Vendor to provide services for removal and disposal of infectious waste on a weekly basis from the Northeastern Veterans Center. Waste to be treated and disposed at a facility approved by DEP and all other regulatory bodies having jurisdiction. For specifications please send a written or fax request to the Northeast Veterans Center.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2000 through June 30, 2004  
**Contact:** Barbara Lance, (570) 961-4354

**HVAC—22**

**so-204** The State Correctional Institution at Somerset will be soliciting bids for service to three Carrier Centrifugal Chillers (19 x 6) located in the Central Plant at the institution. The anticipated contract period will be for 3 years and will include: annual preventative maintenance, vibration analysis and testing, operating inspections, and repair parts and labor.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510  
**Duration:** July 1, 2000 through June 30, 2003  
**Contact:** Sherre Benninghoff, Purchasing Agent I, (814) 443-8100, ext. 313

**Project 1023** Installation of a 4" domestic water backflow preventor and an 8" fire line backflow preventor to comply with Philadelphia Water Dept. requirements/regulations.

**Department:** Military Affairs  
**Location:** PAANG Armory, 2700 Southampton Road, Philadelphia, PA 19154  
**Duration:** DOA—September 30, 2000  
**Contact:** Gene Ollar, (717) 861-2921

**Janitorial Services—23**

**Bid # 8026** Furnish all equipment, materials and labor to perform janitorial services 3 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Bloomsburg Division. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Bloomsburg Station, 6850 Hidlay Church Road, Bloomsburg, PA 17815  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8036** Furnish all equipment, materials and labor to perform janitorial services 3 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the DuBois Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** DuBois Station, 101 Preston Way, Falls Creek, PA 15840  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8035** Furnish all equipment, materials and labor to perform janitorial services 3 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Coudersport Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Coudersport Station, 3140 East Second Street, Coudersport, PA 16915  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8028** Furnish all equipment, materials and labor to perform janitorial services 3 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets at the York Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** York Station, Rural Route 2, 110 North Street, York, PA 17403  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8027** Furnish all equipment, materials and labor to perform janitorial services 3 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpets at the MPOETC facility. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** MPOETC, 75 East Derry Road, Hershey, PA 17033  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8018** Furnish all equipment, materials and labor to perform janitorial services 3 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Hazleton Headquarters and Annex Bldg. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Hazleton Headquarters and Annex Bldg., 250 Dessen Drive, West Hazleton, PA 18201  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8019** Furnish all equipment, materials and labor to perform janitorial services 2 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Lehigh Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Lehigh Station, 5730 Interchange Road, Lehigh, PA 18235  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8024** Furnish all equipment, materials and labor to perform janitorial services 2 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Hazleton Aviation facility. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Hazleton Aviation Patrol Unit II, Hazleton Municipal Airport, Hazleton, PA 18201  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8029** Furnish all equipment, materials and labor to perform janitorial services 5 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Trevese Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Trevese Station, 3970 New Street, Bensalem, PA 19020  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8025** Furnish all equipment, materials and labor to perform janitorial services 5 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Wilkes-Barre Liquor Control Enforcement facility. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Wilkes-Barre Liquor Control Enforcement, 1095 Hanover Street, Wilkes-Barre, PA 18706-2028  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8034** Furnish all equipment, materials and labor to perform janitorial services 4 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Mercer Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Mercer Station, 826 Franklin Road, Mercer, PA 16137  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8032** Furnish all equipment, materials and labor to perform janitorial services 3 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Bedford Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Bedford Station, 10565 Lincoln Highway, Everett, PA 15537-7047  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8033** Furnish all equipment, materials and labor to perform janitorial services 5 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Erie Headquarters. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Erie Headquarters, P. O. Box 10607, 4320 Iroquois Avenue, Erie, PA 16514-0607  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8031** Furnish all equipment, materials and labor to perform janitorial services 3 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Limerick Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Limerick Station, 2047C Bridge Road, Schwenksville, PA 19473  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8030** Furnish all equipment, materials and labor to perform janitorial services 5 times a week, including emptying waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, general housecleaning twice a year, shampoo carpet at the Dublin Station. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Dublin Station, 3218 Rickert Road, Perkasio, PA 18944  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**0140-44** Weekly cleaning of office areas. Floors, windows, walls, blinds, furniture and desks to be cleaned weekly. In addition to weekly cleaning—heavy quarterly cleaning to be performed, to include: Floors, stripped, buffed; walls to be thoroughly cleaned, as per specifications. This contract will be for a 1 year period and “by mutual consent of both parties” shall be renewable two times for a 2 year renewal period.

**Department:** Transportation  
**Location:** 215 North Maple Street, Mercer, PA 16137  
**Duration:** Tentative April 1, 2000 to March 31, 2001  
**Contact:** Cindy Supel, (724) 662-5350

## Lodging/Meeting—27

**SBC 350042** The PA Department of Transportation is soliciting bids from contractors to provide hotel facilities, meals, equipment rental and staff services to coordinate its annual Quality Conference to be held at a site in the Commonwealth of Pennsylvania during a period of 6 consecutive days during August, September or October 2000. Contractor may bid any timeframe as long as it is 6 consecutive days, Sunday through Friday, beginning August 20 through October 27, 2000. However, the following days CANNOT be bid: September 3—8, 2000 and October 8—13, 2000. Approximately 1,000 employees will attend this conference. Fax all requests to Debra Gray at (717) 783-7971. Include the following information with the faxed request: company name; address (no post office boxes if possible), phone number and fax number. Please reference SBC 350042 in the fax.

**Department:** Transportation  
**Location:** Commonwealth of Pennsylvania  
**Duration:** One year with possibility of renewal  
**Contact:** Debra Gray, (717) 783-9671

**CLDGJ2919** Hotel accommodations for the Sixteenth Statewide Investigating Grand Jury housed in Harrisburg, Dauphin County, PA. Lodging required for the empanelment session March 3, 2000 for approximately 50 rooms. After empanelment, lodging required for 30 jurors, 4-5 days/week/month for 18 months beginning March 20—24, 2000.

**Department:** Attorney General  
**Location:** Downtown Harrisburg, PA  
**Duration:** 18 months beginning March 2000 through September 2001 with the possibility of an additional 6-month extension  
**Contact:** Jean M. Kreiser, (717) 705-6559

**SP 2599012** The PA Board of Probation and Parole is requesting bids from prospective vendors to provide lodging, meeting room space and food services for two conferences in State College, PA, for approximately 120 participants per conference. Each conference will be 2 days in length. Both conferences will be held at the same facility. Therefore, facilities must have space available for two of the following specified dates to bid and be considered. The tentative dates are: May 3—4, 2000; June 7—8, 2000; July 26—27, 2000. The facility must be within 5 miles of State College, PA. Approximately 60 single rooms and 30 double rooms for 2-3 nights are needed. Soundproof, carpeted meeting room space for approximately 120 people for morning plenary sessions each day. Four breakout rooms to accommodate 35-40 people each will be needed for both days of each conference. AV Equipment needs will be specified in the Service/Bid Contract. Indoor pool and fitness/recreation facilities must be available. Facility must have 24-hour security. Meals and breaks for approximately 120 participants are as follows: Day 1: Buffet Breakfast, AM Coffee Break, Luncheon Buffet, PM Soda Break, Dinner Buffet. Day 2: Buffet Breakfast, AM Coffee Break, Luncheon Buffet.

**Department:** Probation and Parole Board  
**Location:** State College, Pennsylvania  
**Duration:** May 1, 2000 to June 30, 2001 (Estimated Period)  
**Contact:** Michelle Flynn, (717) 787-8879

**2010990049** The Pennsylvania State Police is seeking a facility to conduct a 3-day conference for the dates of June 21, 22 and 23, 2000. Location shall be within the geographic boundaries of PA not to exceed a 15-mile direct line radius of the Junction (Marshalls Creek, Monroe Co., PA) of State Route 209 and State Route 402. Must provide a common meeting area and small meeting rooms, single occupancy lodging rooms, break refreshments, breakfast, lunch and dinner for approximately 40 attendees. Complete details will be sent to all interested bidders.

**Department:** State Police  
**Location:** Commonwealth of PA (Not to exceed a 15-mile direct line radius of the Marshalls Creek Junction of State Route 209 and State Route 402)  
**Duration:** June 21-22-23, 2000  
**Contact:** Diane Bolden, Procurement & Supply Division, (717) 705-5923

## Medical Services—29

**00973414** Contractor/physician to provide professional services of a neurologist. Contractor will provide two or more neurological/medical consultation visits per month. The visit will be equivalent to 4 hours of service. The number of medical/neurological consultation visits will be approximately 48 each fiscal year. Contractor/physician must furnish a physician who possesses a nonrestricted license to practice medicine in the Commonwealth of Pennsylvania in the specialty field of neurology.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** Anticipated April 1, 2000—June 30, 2004  
**Contact:** Linda Zoskey, (724) 459-4547

## Property Maintenance—33

**BENCHFY99** The State Ethics Commission is seeking a contractor to construct and install a wood judges/commissioners' bench in Room 307 of the Finance Building. The bench is required to seat seven commissioners along with three staff members. An architectural rendering will be included in the Invitation to Bid package along with instructions for bidding on this project. The bench is to be constructed offsite, and installed in Room 307 prior June 30, 2000. Bids must be in writing and signed by an officer of the company, and must be received no later than noon on February 16, 2000. Contractors mailing bids should allow sufficient time to insure timely receipt of the bid documents. Proposals sent by fax will not be accepted. Late proposals will not be accepted. Interested contractors should request an Invitation to Bid package by submitting a written request to: Administrative Officer, State Ethics Commission, Room 309 Finance Building, P. O. Box 11470, Harrisburg, PA 17108-1470, or fax a written request to (717) 787-0806 prior to the bid opening at noon, Wednesday, February 16, 2000.

**Department:** Ethics Commission  
**Location:** Room 307, Finance Building, Harrisburg, PA, Dauphin County  
**Duration:** 6 months—project to be completed FY99  
**Contact:** Cynthia A. Lynch, Adm. Officer, (717) 783-1610

**065900** Receive from PennDOT material that the PennDOT maintenance crews pickup from the shoulders of I-95, I-76, I-676, US RT 1 and other state routes within the City of Philadelphia, PA. Material to be disposed of can include construction debris, demolition waste, stumps, tree limbs, mattresses, chairs, furniture, logs, and appliances. Car and truck tires will not be included in this contract. Due to travel time restrictions on crews, disposal site must have the capability to take possession of the trash within the City of Philadelphia.

**Department:** Transportation  
**Location:** Philadelphia County  
**Duration:** May 1, 2000 to April, 30, 2001 with four renewals of one year each  
**Contact:** Jill Logue, (215) 225-1415

**097499017** Repair the cracks spalls and leaks caused by ground water in the underground concrete tunnel between Bldgs. 11 and 12 at Warren State Hospital.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, Market St. Ext., Rt. 62 N., N. Warren, PA 16365-5099  
**Duration:** April 1, 2000—September 30, 2000 or 200 days after the receipt of the approved contract  
**Contact:** Bobbie D. Muntz, PA III, (814) 726-4496

**tb** Warm season grass supplies—grass and wildflower seeds to be used at various locations throughout Park Region # 4.

**Department:** Conservation and Natural Resources  
**Location:** DCNR—Bureau of State Parks, Regional Park Office No. 4, 2808 Three Mile Run Road, Perkasie, PA 18944-2065  
**Duration:** Delivery to be made within 30 days of bid award  
**Contact:** Alice Begley, (215) 453-5016

### Real Estate Services—35

**5401-99-4** Lime, Powdered, Hydrated, Type 3, Class 1, Bulk.

**Department:** Environmental Protection  
**Location:** Custom Coal Site, Rock Cut Road, Shade Township, Central City, PA 15926  
**Duration:** February 28, 2001  
**Contact:** Phyllis Cocco, (814) 472-1800

### Sanitation—36

**SP 3863009004** Solid waste collection and disposal.

**Department:** Conservation and Natural Resources  
**Location:** Colonel Denning State Park, 1599 Doubling Gap Road, Newville, PA 17241-9756  
**Duration:** July 1, 2000 to June 30, 2005  
**Contact:** Barrett Clark, (717) 776-5272

**SP 386220001** Sealed bids will be received at Dept. of Conservation and Natural Resources, Park Region No. 2, P. O. Box 387, 195 Park Road, Prospect, PA 16052, until 2 p.m. prevailing time, February 23, 2000, and then publicly opened and read. For Solid Waste collection and disposal at Presque Isle State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Presque Isle State Park.

**Department:** Conservation and Natural Resources  
**Location:** Dept. of Conservation and Natural Resources, Presque Isle State Park, P. O. Box 8510, Rt. 832 Peninsula Drive, Erie, PA 16505-0510  
**Duration:** July 1, 2000 to December 31, 2002  
**Contact:** Dave Rutkowski, (814) 833-7424

**Bid # 8074** Trash and rubbish removal services for the PA State Police, Dunmore Headquarters, for the period July 1, 2000 to June 30, 2003. Service to be rendered twice a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Dunmore Headquarters, 85 Keystone Industrial Park, Dunmore, PA 18512-0159  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**0640** To remove trash twice weekly from Maintenance Yard. This will require four 6 cubic yard container. A 2 year contract with a 2-year renewal period.

**Department:** Transportation  
**Location:** Swede Road and Johnson Hwy, Norristown, PA 19401  
**Duration:** July 1, 2000—June 30, 2002 (Plus renewal)  
**Contact:** Thomas Carroll, (610) 275-2368

**Bid # 8072** Trash and rubbish removal services at the PA State Police, Frackville Station, for the period July 1, 2000 to June 30, 2003. Service to be rendered once a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Frackville Station, 297 Morea Road, Frackville, PA 17931-2311  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8071** Trash and rubbish removal services at the PA State Police, Philadelphia Headquarters, for the period July 1, 2000 to June 30, 2002. Service to be rendered three visits a week and recycling services to be coordinated with Troop Commander. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Philadelphia Headquarters, 2201 Belmont Avenue, Philadelphia, PA 19131  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8070** Trash and rubbish, removal services at the PA State Police, Fogelsville Station, for the period July 1, 2000 to June 30, 2003. Service to be rendered twice a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Fogelsville Station, 8320 Schantz Road, Breinigsville, PA 18031  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**6500-086** Contractor to provide trash removal services for the State Correctional Institution at Retreat. Specifications on file at institution's Purchasing Office.

**Department:** Corrections  
**Location:** State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Barbara Swiatek, (570) 735-8754

**LBP-2000-18** Vendor to provide for the removal of all trash, refuse and debris from the Northeastern Veterans Center to a certified "DEP" landfill. Contractor will also provide containers for recycling, which will be taken to a certified recycling center by contractor.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2000 through June 30, 2001 with renewal option  
**Contact:** Barbara Lance, (570) 961-4354

**Bid # 8076** Trash and rubbish removal services for the PA State Police, Uniontown Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered once a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Uniontown Station, R. D. 1, Box 1, Gaddis Crossroads, Lemont Furnace, PA 15456  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8075** Trash and rubbish removal services for the PA State Police, Honesdale Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered twice a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Honesdale Station, R. D. 2, Box 2050, Honesdale, PA 18431-9998  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8069** Trash, rubbish and recycling removal services for the PA State Police, Clothing Warehouse and Transportation Division, for the period July 1, 2000 to June 30, 2005. Service to be rendered twice a week. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Clothing Warehouse and Transportation Division, 20th & Herr Streets, Harrisburg, PA 17120  
**Duration:** July 1, 2000 to June 30, 2005  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8077** Trash and rubbish removal services at the PA State Police, Wyoming Headquarters, for the period July 1, 2000 to June 30, 2003. Service to be rendered twice a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Wyoming Headquarters, 475 Wyoming Avenue, Wyoming, PA 18644  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8078** Trash and rubbish removal services at the PA State Police, Corry Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered twice a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Corry Station, 13675 Roosevelt Highway, Corry, PA 16407  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8079** Trash and rubbish removal services at the PA State Police, Newport Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered once a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Newport Station, 52 Red Hill Court, Newport, PA 17074  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8080** Trash and rubbish removal services at the PA State Police, Gettysburg Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered twice a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Gettysburg Station, 3033 Old Harrisburg Pike, Gettysburg, PA 17325  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484



**Bid # 8081** Trash and rubbish removal services at the PA State Police Academy, for the period July 1, 2000 to June 30, 2003. Trash/rubbish removal to be rendered 3 times a week and recycling once a week. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Academy, 175 East Hershey Park Drive, Hershey, PA 17033  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid # 8073** Trash and rubbish removal services for the PA State Police, Reading Headquarters, for the period July 1, 2000 to June 30, 2003. Service to be rendered once a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Reading Headquarters, 600 Kenhorst Boulevard, Reading, PA 19611  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**350041** Disposal of scrap tire and rubber products from PennDOT County locations. Includes options for hauling by vendor or drop-off by PennDOT.

**Department:** Transportation  
**Location:** All PennDOT County Facility Locations  
**Duration:** 30 months with two 30 month renewal options  
**Contact:** Connie J. Simmons, (717) 705-1363

**Bid # 8075** Trash and rubbish removal services for the PA State Police, Honesdale Station, for the period July 1, 2000 to June 30, 2002. Service to be rendered twice a week. Recycling, if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Honesdale Station, R. D. 2, Box 2050, Honesdale, PA 18431-9998  
**Duration:** July 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

## Security Services—37

**08-F-99 (Rebid)** Workers' Compensation Activity Assessment/Surveillance Services: Provide comprehensive assessment and surveillance services on Workers' Compensation claims on an as needed basis. Services to be provided in the Philadelphia and Harrisburg areas (Zone 1); Pittsburgh, Johnstown and Erie areas (Zone 2); and Pottsville, Sunbury and Scranton areas (Zone 3); or Statewide.

**Department:** Labor and Industry  
**Location:** Statewide by Geographical Zones  
**Duration:** Two year contracts with one year renewal options as determined by SWIF  
**Contact:** Brian J. Finnerty, (570) 963-3130

## Vehicle, Heavy Equipment & Powered Machinery—38

**SP 1375997535** Emergency and routine repair of four fork lifts. Vendor must respond within a 2-hour period from time of call whether be in person or by an answering machine. Contractor agrees to redeem manufacturer's warranty on parts where applicable and further agrees to guarantee workmanship and replacement parts done by the firm for a 90-day period.

**Department:** Military Affairs  
**Location:** Ft. Indiantown Gap, Bldg. 11-71, Annville, PA  
**Duration:** April 1, 2000—September 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

## Miscellaneous—39

**011400** Closed/open video captioning. Prerecorded and live broadcast captioning, including subtitled.

**Department:** General Services  
**Location:** Commonwealth Media Services, 333 Market Street, 2nd Floor, Harrisburg, PA 17126-0333  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Gayle Fox, (717) 783-8033

**040117** This contract is to provide labor, equipment and materials for the nonselective herbicide treatment to guiderrails and sign posts on primary and secondary state routes throughout Luzerne County. All prospective bidders must have been actively engaged in this service for a minimum of 5 years. Request for a bid package may be received by fax at (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday.

**Department:** Transportation  
**Location:** Luzerne County  
**Duration:** One year with renewal option  
**Contact:** Martha Spaide, (570) 963-4048

**040119** This contract is to provide labor, equipment, and materials for the non-selective herbicide treatment to guiderrails and sign posts on primary and secondary state routes throughout Susquehanna and Wyoming Counties. Prospective bidders must have been actively engaged in this service for a minimum of 5 years. Request for a bid package may be received by fax at (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday.

**Department:** Transportation  
**Location:** Susquehanna and Wyoming Counties  
**Duration:** One year with renewal option  
**Contact:** Martha Spaide, (570) 963-4048

**040118** This contract is to provide labor, equipment and materials for the nonselective herbicide treatment to guiderrails and sign posts on primary and secondary state routes throughout Pike and Wayne Counties. Prospective bidders must have been actively engaged in this service for a minimum of 5 years. Request for a bid package may be received by fax at (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday.

**Department:** Transportation  
**Location:** Pike and Wayne Counties  
**Duration:** One year with renewal option  
**Contact:** Martha Spaide, (570) 963-4048

**040116** This contract is to provide labor, equipment, and materials for the nonselective herbicide treatment to guiderrails and sign posts on primary and secondary state routes throughout Lackawanna County. Prospective bidders must have been actively engaged in this service for a minimum of 5 years. Request for a bid package may be received by fax at (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday.

**Department:** Transportation  
**Location:** Lackawanna County  
**Duration:** One year with renewal option  
**Contact:** Martha Spaide, (570) 963-4048

**0640** To provide bottled water for Maintenance Building and Stockpiles. Two year contract with renewal for 2 more years. Location for delivery are Norristown—Swede Rd. and Johnson Hwy., Skippack—Rt. 73 WB near Cross Rd. Sanatoga—Rt. 422 WB at Sanatoga Exit, Red Hill—Rt. 29 in Red Hill, Rt. 309—Rt. 309 NB at Springhouse.

**Department:** Transportation  
**Location:** Various  
**Duration:** July 1, 2000—June 30, 2002 (Plus renewal for 2 years)  
**Contact:** Thomas Carroll, (610) 275-2368

**040115** This contract is to provide labor, equipment and materials for the nonselective herbicide treatment to guiderrails and sign posts on interstate and major roads throughout District 4-0. District 4-0 consists of Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Prospective bidders must have been actively engaged in this service for a minimum of 5 years. Request for a bid package may be received by fax at (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Wayne, Wyoming, Pike and Susquehanna Counties  
**Duration:** One year with renewal option  
**Contact:** Martha Spaide, (570) 963-4048

**BE 99003** Regulatory Buoys and Restoration materials.

**Department:** Fish and Boat Commission  
**Location:** Various throughout the Commonwealth  
**Duration:** Delivery Date: March 1, 2000 and bid price to remain valid until December 31, 2000  
**Contact:** Dennis Grove, (717) 657-4533

**B0000267** Millersville University is soliciting qualified bidders who can provide the University's Industry & Technology Department with a milling machine—CNC AM-3V System with M3X Control or approved equal. Interested vendors should fax requests to be placed on a bidders list to Anna Stauffer, (717) 871-2000 no later than 2 p.m., Friday, February 4, 2000.

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville, PA 17551  
**Duration:** One month  
**Contact:** Anna Stauffer, (717) 872-3041

**5401-99-3** Lime, Powdered, Hydrated, Type 3, Class 1, Bulk.

**Department:** Environmental Protection  
**Location:** Brandy Camp Treatment Plant, Brandy Camp Road, Horton Township, Brandy Camp, PA 15822  
**Duration:** June 30, 2000  
**Contact:** Phyllis Cocco, (814) 472-1800

**B0000266** Millersville University is seeking qualified bidders who can provide and install two overhead doors and electric operators in Bishop Garage. Doors are to be of commercial design and quality. Door dimensions are 12' x 12'. Interested vendors should fax requests to be placed on a bidders list to Anna Stauffer, (717) 871-2000 no later than 2 p.m., Friday, February 4, 2000.

**Department:** State System of Higher Education  
**Location:** Millersville University, Millersville, PA 17551  
**Duration:** One month  
**Contact:** Anna Stauffer, (717) 872-3041

**SP 3881049006** Site preparation and installation for woven wire deer fence around two sites of the Forbes State Forest. The sites are located in Elk Lick Township, Somerset County and are approximately 8600 lineal feet. Both sites are to be bid as one contract.

**Department:** Conservation and Natural Resources  
**Location:** Forbes Forest District No. 4, P. O. Box 519, Laughlinton, PA 15655-0519  
**Duration:** Upon execution of the contract and terminate on June 30, 2000  
**Contact:** Chris Nicholas, (724) 238-5039

**0640** Inspect and tag fire extinguishers. Recharge 17—20 lbs.—Dry Chemical as needed. Recharge 5 lbs.—ABC Dry Chemical as needed. Recharge Class 10BC-CO2 as needed. Miscellaneous—minor repairs not listed above. Inspect or recharge odd-size extinguishers not listed above.

**Department:** Transportation  
**Location:** Swede Road and Johnson Highway, Norristown, PA 19401  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Thomas Carroll, (610) 275-2368

**734-4955** Vendor to supply to the State Correctional Institution—Correctional Industries—elastic 1-1/4' wide, knitted, white w/colored blue and gold stripes. Requirement—15,000 yards or 300 rolls per month until 175,000 yards is complete.

**Department:** Corrections  
**Location:** Correctional Industries SCI-Graterford, Box 246, Rt. 29, Graterford, PA 19426  
**Duration:** February 1, 2000 through June 30, 2000  
**Contact:** Gerald L. Arasin, Manager II, (610) 489-4151

[Pa.B. Doc. No. 00-202. Filed for public inspection January 28, 2000, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1136169-01	1/18/00	W C Bor- roughs & Assoc.	51,611.38	2310-01	1/13/00	Hondru Chrysler Plymouth t/a Manheim Chrysler Plymouth/ GMC	8,286,293.00
1174389-01	1/18/00	Tree Essen- tials Com- pany	52,916.00	2310-01	1/13/00	Motors Fleet	2,742,100.00
1251119-01	1/18/00	Wynn Envi- ronmental Sales Co.	29,522.00	2310-01	1/13/00	Nucar Con- nection	774,118.50
1266119-01	1/18/00	Beaver Steel Services Inc.	18,898.50	2310-01	1/13/00	Northeast Auto Outlet	6,589,053.75
1302119-01	1/18/00	Razor Wire Interna- tional LLC	807,409.89	2310-01	1/13/00	Apple Chevrolet	4,164,066.00
2306-01	1/11/00	Warnock Au- tomotive Inc. d/b/a Warnock Ford	34,694,720.00	2310-01	1/13/00	Hondru Chevrolet t/a E-Town Chevrolet Olds- Pontiac	4,525,850.00
2306-01	1/11/00	Warnock Au- tomotive Inc. d/b/a/ Warnock Chevrolet	13,786,810.00	2310-01	1/13/00	Griffin Motor Company	993,332.50
2310-01	1/13/00	Hertrick Fleet Ser- vice Inc.	6,016,950.00	2310-01	1/13/00	Hoffman Ford Sales Inc.	5,667,800.00
2310-01	1/13/00	L B Smith Lincoln Mercury Inc.	2,558,725.00	2310-02	1/14/00	Meissner Chevrolet	227,241.00
2310-01	1/13/00	Hondru Dodge t/a E-Town Dodge	2,693,750.00	2310-02	1/14/00	Manheim Chrysler Plymouth	637,678.00
2310-01	1/13/00	K & H Ford Inc.	1,551,700.00	2310-02	1/14/00	Motors Fleet	101,053.00
2310-01	1/13/00	Hondru Ford t/a Philips Ford	928,250.00	2310-02	1/14/00	Five Star In- ternational LLC	114,744.00
2310-01	1/13/00	Warnock Dodge Inc d/b/a Warnock Dodge Chrysler/ Plymouth Jeep	2,082,000.00	2310-02	1/14/00	E-Town Dodge	239,323.00
2310-01	1/13/00	Messiner Chev/Geo/ Olds	22,596.00	2310-02	1/14/00	Griffin Mo- tors Com- pany	21,341.00
				2310-02	1/14/00	Hondru Chevrolet Inc t/a E-Town Chevrolet- Oldsmobile- Pontiac	480,978.00
				2310-02	1/14/00	Hetrich Fleet Services Inc.	152,210.00
				2310-02	1/14/00	Hoffman Ford Sales Inc.	323,032.00
				2310-02	1/14/00	Hondru Ford Inc t/a Phil- lips Ford Sales	259,206.00

STATE CONTRACTS INFORMATION

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
2310-02	1/14/00	Cumberland Truck Equipment Co.	478,201.00	7105-05 RIP # 2 & SUPP # 2	1/24/00	Leland M. Thompson Inc dba Southwest Contract	50,000.00
2310-02	1/14/00	Apple Chevrolet	92,869.00	7105-05 RIP # 2 & SUPP # 2	1/24/00	Smith System Manufac- turing	50,000.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	Jasper Chair Company	50,000.00	7105-05 RIP # 2 & SUPP # 2	1/24/00	Tanner of Pennsylva- nia Inc	50,000.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	DMI Furni- ture Inc	50,000.00	8250170-01	1/18/00	Manheim Chrysler Plymouth GMC Truck	70,800.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	Charles Beseler Co Inc dba Li- brary Bu- reau Steel	50,000.00	8250170-02	1/18/00	E-Town Dodge	63,000.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	Transamerican Office Fur- niture Inc	500,000.00	8250410-01	1/18/00	ABC Groff Inc	197,782.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	Inscape Inc	50,000.00	825042-01	1/18/00	ABC Groff Inc	102,891.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	Humancare Inc	50,000.00	8250-01 RIP # 1 & SUPP # 1	1/18/00	Village Dis- tributors	15,000.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	Neutral By Design A Humanscale Company	50,000.00	8520-01 RIP # 1 & SUPP # 1	1/19/00	Red Line Medical Supply Inc	10,000.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	St. Timothy Chair Com- pany Divi- sion of Classic Leather	50,000.00	8520-01 RIP # 1 & SUPP # 1	1/19/00	Avianne Health Care Sys- tems Div WL Young Inc	5,000.00
7105-05 RIP # 2 & SUPP # 2	1/24/00	Spectra Wood Inc	50,000.00	8520-01 RIP # 1 & SUPP # 1	1/19/00	Edlis Inc	5,000.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-203. Filed for public inspection January 28, 2000, 9:00 a.m.]