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PENNSYLVANIA BULLETIN

Volume 26
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 256, March 1996

PENNSYLVANIA

BULLETIN

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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*.

There are no restrictions on the republication of official documents appearing in 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.

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 1996.

1 Pa. Code (General Revisions)		Proposed Rulemaking	
Proposed Rulemaking		18	757
101	332	25	591, 757
103	332	36	489
4 Pa. Code (Administration)		52 Pa. Code (Public Utilities)	
Adopted Rules		Adopted Rules	
1	856	57	590
Statements of Policy		Proposed Rulemaking	
1	593	Unclassified	756
9	596	55 Pa. Code (Public Welfare)	
7 Pa. Code (Agriculture)		Adopted Rules	
Adopted Rules		5320	867
21	161	Statements of Policy	
13 Pa. Code (Commerce and Trade)		100	596
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205	483	58 Pa. Code (Recreation)	
22 Pa. Code (Education)		Adopted Rules	
Proposed Rulemaking		141	884
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213	232	Proposed Rulemaking	
25 Pa. Code (Environmental Protection)		53	168
Adopted Rules		61	168
86 (with correction)	324	63	168
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971	491	139	907
Unclassified	591	61 Pa. Code (Revenue)	
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28 Pa. Code (Health and Safety)		108	887
Adopted Rules		117	887
701	567	125	887
704	567	Proposed Rulemaking	
31 Pa. Code (Insurance)		55	893
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113	230	64 Pa. Code (Securities)	
Proposed Rulemaking		Adopted Rules	
27	752	203	30
40 Pa. Code (Liquor)		67 Pa. Code (Transportation)	
Proposed Rulemaking		Proposed Rulemaking	
5	31	457	895
49 Pa. Code (Professional and Vocational Standards)		204 Pa. Code (Judicial System General Provisions)	
Adopted Rules		Proposed Rulemaking	
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5	324	89	7
7	325	207 Pa. Code (Judicial Conduct)	
15	327	Proposed Rulemaking	
16	487	201	661
25	485	215	661
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39	330	101	862
		117	862

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 159, 585
 4000 227

Proposed Rulemaking

200 427
 400 428
 1000 862
 2020 429
 2050 429
 2200 429
 4000 431

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

50 436
 100 436
 300 8
 1100 438
 1400 13

246 Pa. Code (Minor Court Civil Rules)

Proposed Rulemaking

500 312
 1000 312

249 Pa. Code (Philadelphia Rules)

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Unclassified 314

255 Pa. Code (Local Court Rules)

Unclassified 160, 323, 439, 464, 586, 587, 662, 665, 678, 750, 865

THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation

Whereas, on January 20, 1996, I amended my Proclamation of Disaster Emergency of January 7, 1996, in order to add seven additional counties to the designated disaster emergency area and to authorize the Secretary of the Department of Transportation to use all available equipment, resources, and personnel of the Department to clear debris and other obstructions from Federal and State highways located in the disaster affected area due to extensive flooding which occurred throughout the Commonwealth beginning on January 19, 1996; and

Whereas, because of the extensive flooding which occurred throughout the Commonwealth, the Department of Transportation needs to perform emergency repair, maintenance, reconstruction, construction and replacement work on numerous damaged highways and bridges and areas adjacent thereto located throughout the Commonwealth;

Now, Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.), I do hereby further amend my Proclamation of January 7, 1996, as follows:

1. I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources and personnel of the Department, in whatever manner he deems necessary, to ensure that highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, that have sustained damage in the disaster affected area are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the ability of the Department to respond immediately and effectively in repairing, maintaining, reconstructing or replacing these damaged highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, and areas adjacent thereto, or in undertaking necessary new construction.

2. The limit set forth in 35 Pa.C.S.A. § 7305(b) on the amount of individual and family grants is hereby suspended for the duration of this disaster emergency.

3. This amendment is retroactive to January 7, 1996.

GIVEN under my hand and Great Seal of the Commonwealth, this twelfth day of February, in the year of our Lord, one thousand nine-hundred and ninety-six, and of the Commonwealth, the two-hundred and twentieth.

Governor

[Pa.B. Doc. No. 96-279. Filed for public inspection March 1, 1996, 9:00 a.m.]

Title 4—ADMINISTRATION

GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER 1996-1]

Regulatory Review and Promulgation

February 6, 1996

Whereas, the volume and scope of regulations promulgated by Commonwealth agencies has grown at an alarming rate in recent years; and

Whereas, a regulation should be promulgated only after a determination that it is necessary to address a compelling public interest; and

Whereas, political subdivisions and the private sector have often been asked to comply with regulations that were drafted and promulgated without meaningful input from these members of the regulated community; and

Whereas, burdensome regulations have placed undue restrictions on the regulated community and have hampered Pennsylvania's ability to compete effectively with other states; and

Whereas, despite the increasing volume and burden of regulations, they remain an appropriate and necessary means of protecting the public health and safety.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the Regulatory Review Act, and other laws, do hereby establish the following procedures regarding the review and promulgation of regulations.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter FF. REGULATORY REVIEW AND PROMULGATION

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1.372.	Evaluation of existing regulations.
1.373.	Predrafting and drafting guidelines.
1.374.	Review by Governor's Office.
1.375.	Nonregulatory documents.
1.376.	Petitions.
1.377.	Continual review of regulations.
1.378.	Regulatory agendas.
1.379.	Exemptions.
1.380.	Applicability.
1.381.	Effective date.
1.382.	Rescission.

§ 1.371. General requirements.

In the drafting and promulgating of new regulations and the application and review of existing regulations, agencies shall adhere to the following principles:

- (1) Regulations shall address a compelling public interest.
- (2) The costs of regulations may not outweigh their benefits.
- (3) Regulations shall be written in clear, concise and, when possible, nontechnical language.
- (4) Regulations shall address definable public health, safety or environmental risks.
- (5) If Federal regulations exist, regulations of the Commonwealth may not exceed Federal standards unless justified by a compelling and articulable Pennsylvania interest or required by State law.

(6) Compliance shall be the goal of all regulations.

(7) If viable nonregulatory alternatives exist, they shall be preferred over regulations.

(8) Regulations shall be drafted and promulgated with early and meaningful input from the regulated community.

(9) Regulations may not hamper the Commonwealth's ability to compete effectively with other states.

(10) Agency heads shall be held directly accountable for regulations promulgated by their respective agencies.

§ 1.372. Evaluation of existing regulations.

(a) Existing regulations shall be reviewed by agencies for consistency with the principles in § 1.371 (relating to general requirements). Regulations that are inconsistent with these principles shall be considered for amendment or repeal.

(b) Agency heads shall have the flexibility to construct a program that reviews their existing regulations to assure consistency with these principles. A plan and schedule for review of existing regulations shall be submitted to the Governor's Policy Office by August 6, 1996. The review programs shall commence by February 6, 1997.

(c) Regulations proposed for repeal should be submitted to the General Counsel, the Secretary of the Budget and the Governor's Policy Director along with a Repeal Analysis Form. The analysis shall state:

(1) The name of the agency.

(2) The name of a contact person at that agency.

(3) A short title of the regulation.

(4) An explanation of the regulation.

(5) A justification for the proposed repeal.

(6) A proposed schedule for repeal—noting any public comment periods.

(7) Any costs or savings, or both, associated with the repeal.

(d) If a statute prohibits the repeal of a regulation that the agency deems to be inconsistent with the principles in § 1.371, the agency head shall submit to the General Counsel, the Governor's Policy Director and the Secretary for Legislative Affairs the specific citation for the statute that prohibits the repeal and the citation for any regulation that is determined to be inconsistent with the principles in § 1.371, the nature of and reason for the inconsistency, and a recommendation for legislative action, if appropriate.

§ 1.373. Predrafting and drafting guidelines.

(a) Before drafting a regulation, agencies, when practical, shall undertake extensive public outreach to those who are likely to be affected by the regulation. Creating advisory committees, using regulatory negotiation and developing other creative procedures are encouraged as means to solicit the public's input during the regulatory development process.

(b) Those to be affected by the regulation should continue to be consulted during the drafting process. When appropriate, members of the regulated community should be involved with the formulation of language, the development of standards and other areas in which the regulated community has an interest or can provide insight, or both. During the regulation development and drafting process, agencies should advise and consult with the Governor's Policy Office, the Office of General Counsel and the Budget Office whenever the agency determines that the involvement would hasten the review process.

(c) Each agency shall develop its own policies regarding public involvement tailored best to meet the needs of the agency and the regulated community.

(d) By August 6, 1996, agencies shall submit to the Governor's Policy Office their internal guidelines for predrafting and drafting public outreach.

§ 1.374. Review by Governor's Office.

(a) Prior to submitting a proposed rulemaking, the agency head shall evaluate each regulation and attest to the fact that the regulation addresses a compelling public need that can be best remedied by the promulgation of the regulation.

(b) The agency head shall submit to the General Counsel, the Secretary of the Budget and the Governor's Policy Director a written regulatory analysis. The analysis shall state:

- (1) The name of the agency.
- (2) The name of a contact person at that agency.
- (3) A short title for the regulation and a citation from the *Pennsylvania Code*.
- (4) Whether the regulation is a proposed, final-form or final-omitted rulemaking.
- (5) A brief, clear and, if possible, nontechnical explanation of the regulation.
- (6) The statutory authority or mandate for the regulation.
- (7) The compelling public need that justifies the regulation.
- (8) The public health, safety or environmental risks associated with nonregulation.
- (9) Individuals or groups that are likely to benefit from the regulation.
- (10) Individuals, groups or entities that will be required to comply with the regulation.
- (11) The outreach conducted by the agency with the regulated community prior to submission of the regulation.
- (12) An estimate of the costs or savings, or both, associated with compliance and implementation.
- (13) A cost/benefit analysis of the regulation.
- (14) Nonregulatory alternatives considered and the reasons for their dismissal.
- (15) Alternative regulatory schemes considered and the reasons for their dismissal.
- (16) A statement of the compelling Pennsylvania interest if the regulation exceeds Federal standards.
- (17) Any requirements that would place the Commonwealth at a competitive disadvantage compared to other states.
- (18) An intra-agency review schedule for the regulation.

(c) Each regulation submitted for review shall contain a brief preamble, written in clear and concise language, which describes in nontechnical terms the compelling public need the regulation is designed to address, what the regulation requires in legal and practical terms and who the regulation is likely to affect.

(d) The regulatory analysis, along with the preamble and draft regulation, will be reviewed by the Office of General Counsel for form, language and legal authority. The Governor's Policy Office will review the request to determine that public interest is compelling, that no viable alternative to the regulation exists and that the costs of the regulation reasonably relate to the benefits. The Office of General Counsel will also consider whether the proposed regulation exceeds Federal standards. If the regulation does exceed Federal standards, the Policy Office will then evaluate whether the regulation is justified by a compelling and unique Pennsylvania interest. The Budget Office will evaluate the cost analysis prepared by the agency and prepare a fiscal note for the regulation.

(e) An agency may not proceed with a proposed, final-form or final-omitted regulation until the General Counsel, the Secretary of the Budget and the Policy Director have informed the agency that the regulation is consistent with the regulatory principles and overall policies of the Administration. Review by these three offices will be conducted in a fair and timely manner.

§ 1.375. Nonregulatory documents.

(a) Nonregulatory public documents such as internal guidelines, policy statements, guidance manuals, decisions, rules and other written materials that provide directives, guidance or other relevant compliance-related information to the public shall be cataloged by every agency.

(b) The cataloged titles of these documents, along with an agency contact and phone number, shall be published in the *Pennsylvania Bulletin* on August 3, 1996. Each year thereafter every agency shall publish and update its list in the *Pennsylvania Bulletin* on the first Saturday in August.

§ 1.376. Petitions.

To further the goal of greater public participation in the regulatory process, individuals, groups and businesses are encouraged to use the regulatory petition process outlined in 1 Pa. Code § 35.18 (relating to petitions for issuance, amendment, waiver or deletion of regulations). Agencies that have not already done so shall develop internal procedures to receive and review petitions in a fair and timely manner.

§ 1.377. Continual review of regulations.

Regulations shall be reviewed in accordance with the review schedule published annually by each agency. As part of its review, the agency shall determine whether the regulation continues to effectively fulfill the goals for which it was intended and remains consistent with the principles in § 1.371 (relating to general requirements).

§ 1.378. Regulatory agendas.

Semiannually, on February 1 and July 1, each agency head shall submit to the General Counsel, the Secretary of the Budget and the Governor's Policy Office Director, for publishing in the *Pennsylvania Bulletin*, an agenda of regulations under development or consideration. The agenda shall describe the regulations being considered, the proposed date for promulgation, the need and legal basis for the action being taken and the status of regulations previously listed on the agenda. Each item on the agenda shall also include a contact person within the agency from whom additional information may be obtained.

§ 1.379. Exemptions.

The procedure prescribed by this subchapter does not apply to:

(1) Emergency regulations as defined in the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

(2) A regulation for which consideration or reconsideration under the terms of this subchapter would conflict with deadlines imposed by statute, consent decree or by judicial order, provided that the regulation is reported to the Director of the Governor's Policy Office together with a brief explanation of the conflict. The agency shall publish in the *Pennsylvania Bulletin* a statement of the reasons why it is impracticable for the agency to follow the procedures of this subchapter with respect to such a rule. The agency, in consultation with the Governor's Policy Office, shall adhere to the requirements of this subchapter to the extent permitted by statutory or judicial deadlines.

§ 1.380. Applicability.

(a) This subchapter applies to all agencies under the jurisdiction of the Governor's Office.

(b) This subchapter is intended only to improve the internal management of executive agencies and is not intended to create a right or benefit,

substantive or procedural, enforceable at law by a party against the Commonwealth, its agencies, its officers or any person.

§ 1.381. Effective date.

This subchapter is effective immediately.

§ 1.382. Rescission.

Executive Order 1982-2 is rescinded.

Governor

Fiscal Note: GOV 96-1. (1) General Fund; (2) Implementing Year 1996-97 is \$minimal; (3) 1st Succeeding Year 1997-98 is \$minimal; 2nd Succeeding Year 1998-99 is \$minimal; 3rd Succeeding Year 1999-00 is \$minimal; 4th Succeeding Year 2000-01 is \$minimal; 5th Succeeding Year 2001-02 is \$minimal; (4) FY 1995-96 \$n/a; FY 1994-95 \$n/a; FY 1993-94 \$n/a; (7) General Government Operations; (8) recommends adoption.

[Pa.B. Doc. No. 96-280. Filed for public inspection March 1, 1996, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions During the 1996 Regular and Special Sessions of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1995 Regular and Special Sessions.

1996 ACTS—Acts 1 through 6 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1996-1	Feb. 7	HB1076	PN2883	60 days	Municipal Claim and Tax Lien Law—attorney fees in municipal claims and certified mail notification to property owners of petitions or rules
1996-2	Feb. 7	HB76	PN2930	Immediately	Ohioyle State Park—granting restricted right-of-way allowing cable television transmission lines to cross property
1996-3	Feb. 7	SB619	PN1633	60 days	Judiciary and Judicial Procedure (42 Pa.C.S.)—confidential mediation communications and documents and collection of restitution, reparation, fees, costs, fines and penalties
1996-4	Feb. 7	SB725	PN1635	60 days	Amusement Ride Inspection Act—accident records and reports
1996-5	Feb. 15	HB908	PN2979	Immediately	Judiciary and Judicial Procedure (42 Pa.C.S.)—exceptions relating to attachment of personal earnings
1996-6	Feb. 15	HB2009	PN2490	Immediately	First class cities—medical examiners authorized to arrange for embalming of bodies and good faith immunity for persons acting under authorization

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

Legislative Bills and Documents

Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of PA, Room 34A, Main Capitol Building, Harrisburg, PA 17120, telephone (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, telephone (717) 787-5320.

CARL MEASE,
Acting Director

[Pa.B. Doc. No. 96-281. Filed for public inspection March 1, 1996, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART III. JUDICIAL CONDUCT BOARD

[207 PA. CODE CHS. 101 AND 117]

Proposed Amendments to Judicial Conduct Board Rules of Procedure

The Judicial Conduct Board proposes to adopt amendments to Rule 2 and Rule 31 of the Rules of Procedure that govern practice before the Board. All communications in reference to the proposed amendments should be sent not later than April 15, 1996 to Vincent J. Quinn, Chief Counsel, Judicial Conduct Board, 225 Market Street, Suite 500, Harrisburg, PA 17101.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART III. JUDICIAL CONDUCT BOARD

CHAPTER 101. GENERAL PROVISIONS

Rule 2. Rules of Construction.

(A) As used in these rules, unless the context otherwise requires:

- (1) Words in the singular number include the plural, and words in the plural include the singular.
- (2) The word "person" shall include corporations, societies, associations, partnerships, and organizations.
- (3) "Shall" is mandatory and "may" is permissive.
- (4) "Knowingly" includes reckless disregard for the truth or falsity of a statement.

(B) **These rules shall be construed to secure just and reliable determinations of probable cause in all matters considered by the Board.**

(C) **An error or defect of procedure shall not confer any substantive rights on any party.**

CHAPTER 117. DISPOSITION; CONTINUANCES

Rule 31. Disposition of Complaint[; Continuances].

(A) Except as provided in paragraph (C), within 180 days of [**a Board decision to proceed with the full investigation, the Board shall take one of the following actions:**] **the Board's receipt of the Judicial Officer's written response pursuant to Rule 30(B)(2)(c) or written response to any subsequent letter requesting information by the Board, the Board shall:**

- (1) dismiss the complaint upon a finding that there is no **existing** probable cause to file formal charges;
- (2) dismiss the complaint with the issuance of a letter of counsel upon a determination that, even if the alleged conduct occurred, it was not conduct which requires that formal charges be filed, provided that the Judicial Officer:
 - (a) consents in writing;
 - (b) stipulates that the letter of counsel may be used during proceedings involving new complaints against the Judicial Officer; and
 - (c) agrees to and satisfies any conditions required by the Board; or

(3) [**file**] **authorize the filing of formal charges with the Court of Judicial Discipline.**

(B) If the Board dismisses a complaint following a full investigation, Chief Counsel shall promptly notify the Judicial Officer and the complainant.

[(C) Continuances

The Board may continue a matter:

(1) **upon a determination that further investigation is necessary; or**

(2) **upon notice that additional allegations have been received which may result in another full investigation.]**

(C) Exceptions.

(1) **The Board may continue a full investigation of a matter beyond the 180-day period set forth in paragraph (A) upon a good faith belief that further investigation is necessary.**

(2) **The Board may defer disposition of a complaint pursuant to paragraph (A) upon discovery or receipt of additional, corollary, or cognate allegations which may necessitate an investigation.**

(3) **The receipt of the Judicial Officer's written response to any Rule 30(B) notice or supplemental or investigatory letter is a necessary prerequisite to the tolling and calculation of the 180-day period set forth in paragraph (A). Thus, the 180-day time period is wholly inapplicable if the Judicial Officer fails to file a written response and the investigation will continue to conclusion.**

[Pa.B. Doc. No. 96-282. Filed for public inspection March 1, 1996, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Amendment of Rules Governing Judgment on the Pleadings and Summary Judgment; no. 255; doc. no. 5

Order

Per Curiam:

And Now, this 14th day of February, 1996, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rule 1034 governing judgment on the pleadings is amended to read as follows.
2. Rule 1035 governing summary judgment is rescinded.
3. New Rules 1035.1 through 1035.5 governing summary judgment are promulgated to read as follows.

This Order shall be effective July 1, 1996 and shall be processed in accordance with Rule of Judicial Administration 103(b).

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS AT LAW

Rule 1034. Motion for Judgment on the Pleadings.

(a) After the **relevant** pleadings are closed, but within such time as not to **unreasonably** delay the trial, any party may move for judgment on the pleadings.

Official Note: Only the pleadings between the parties to the motion for judgment on the pleadings must be closed prior to filing the motion.

(b) The court shall enter such judgment or order as shall be proper on the pleadings.

Rule 1035.1. Motion for Summary Judgment. Definition.

As used in Rule 1035.1 et seq., "record" includes any

- (1) pleadings,
- (2) depositions, answers to interrogatories, admissions and affidavits, and

Official Note: See Definition Rule 76 for the definition of "affidavit." See Rule 1035.4 governing affidavits supporting or defending a motion for summary judgment.

(3) reports signed by an expert witness that would, if filed, comply with Rule 4003.5(a)(1), whether or not the reports have been produced in response to interrogatories.

Rule 1035.2. Motion.

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law

(1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or

(2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

Official Note: Rule 1035.2 sets forth the general principle that a motion for summary judgment is based on an evidentiary record which entitles the moving party to judgment as a matter of law.

The evidentiary record may be one of two types. Under subparagraph (1), the record shows that the material facts are undisputed and, therefore, there is no issue to be submitted to a jury.

An example of a motion under subparagraph (1) is a motion supported by a record containing an admission. By virtue of the admission, no issue of fact could be established by further discovery or expert report.

Under subparagraph (2), the record contains insufficient evidence of facts to make out a prima facie cause of action or defense and, therefore, there is no issue to be submitted to a jury. The motion in this instance is made by a party who does not have the burden of proof at trial and who does not have access to the evidence to make a record which affirmatively supports the motion. To defeat this motion, the adverse party must come forth with

evidence showing the existence of the facts essential to the cause of action or defense.

Oral testimony alone, either through testimonial affidavits or depositions, of the moving party or the moving party's witnesses, even if uncontradicted, is generally insufficient to establish the absence of a genuine issue of material fact. See *Nanty-Glo v. American Surety Co.*, 309 Pa. 236, 163 A. 523 (1932); *Penn Center House, Inc. v. Hoffman*, 520 Pa. 171, 553 A.2d 900 (1989).

Only the pleadings between the parties to the motion for summary judgment must be closed prior to filing the motion.

In asbestos litigation, a motion for summary judgment filed by one defendant alleging a ground common to one or more other defendants is deemed filed on behalf of all such defendants. See Rule 1041.1(f).

Partial summary judgment, interlocutory in character, may be rendered on one or more issues of liability, defense or damages.

Rule 1035.3. Response. Judgment for Failure to Respond.

(a) The adverse party may not rest upon the mere allegations or denials of the pleadings but must file a response within thirty days after service of the motion identifying

(1) one or more issues of fact arising from evidence in the record controverting the evidence cited in support of the motion or from a challenge to the credibility of one or more witnesses testifying in support of the motion, or

Official Note: If the moving party has supported the motion with oral testimony only, the response may raise the defense that there is a genuine issue of material fact because the cause of action is dependent upon the credibility and demeanor of the witnesses who will testify at trial. See *Nanty-Glo v. American Surety Co.*, 309 Pa. 236, 163 A. 523 (1932); *Penn Center House, Inc. v. Hoffman*, 520 Pa. 171, 553 A.2d 900 (1989).

(2) evidence in the record establishing the facts essential to the cause of action or defense which the motion cites as not having been produced.

(b) An adverse party may supplement the record or set forth the reasons why the party cannot present evidence essential to justify opposition to the motion and any action proposed to be taken by the party to present such evidence.

(c) The court may rule upon the motion for judgment or permit affidavits to be obtained, depositions to be taken or other discovery to be had or make such other order as is just.

(d) Summary judgment may be entered against a party who does not respond.

Official Note: Procedural requirements with respect to argument and briefs are governed by local rule.

In certain counties, the failure to respond to a motion may result in the motion being deemed uncontested and the entry of the judgment sought.

See Rule 1035.2 providing for the entry of judgment in whole or in part.

Rule 1035.4. Affidavits.

Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the signer is competent to testify to the matters stated

therein. Verified or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits.

Official Note: See Section 2503 of the Judicial Code, 42 Pa.C.S. § 2503 for the award of counsel fees as part of taxable costs as a sanction for dilatory conduct or for conduct which is in bad faith.

See Rule of Professional Conduct 3.1 providing that a lawyer shall not assert or controvert an issue unless there is a basis for doing so that is not frivolous, Rule 3.2 providing for reasonable efforts to expedite litigation consistent with the interests of the client and Rule 3.3 prohibiting the making of false statements of material fact or law to a tribunal.

Rule 1035.5. Procedure When Judgment Is Denied or Is Not Rendered Upon the Whole Case.

If judgment is denied or is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court when considering the motion may, if practicable, ascertain from the pleadings, the evidence and the parties which material facts relevant to the motion exist without controversy and which are actually controverted. It shall thereupon make an order specifying the facts that are without controversy, including the extent to which the amount of damages or other relief is not in controversy and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established and the trial shall be conducted accordingly.

Explanatory Comment

Introduction

New Rules of Civil Procedure 1035.1 through 1035.5 governing summary judgment replace former Rule 1035.

Rule 1035.1. Motion for Summary Judgment. Definition.

The term "record" as used in these rules includes: (1) "pleadings," (2) discovery materials, i.e., "depositions, answers to interrogatories, admissions and affidavits," and (3) "reports signed by an expert witness that would, if filed, comply with Rule 4003.5(a)(1), whether or not the reports have been produced in response to interrogatories."

Rule 1035.2. Motion.

The essence of the revision set forth in new Rule 1035.2 is that the motion for summary judgment encompasses two concepts: (1) the absence of a dispute as to any material fact and (2) the absence of evidence sufficient to permit a jury to find a fact essential to the cause of action or defense. The former rule was unclear as to whether it encompassed the type of motion which is based upon a record which is insufficient to sustain a prima facie case. New Rule 1035.2(2) is explicit in authorizing such a motion.

The type of motion provided by Rule 1035.2(2) is not new to Pennsylvania practice. In *Godlewski v. Pars Mfg. Co.*, 408 Pa. Superior Ct. 425, 597 A.2d 106 (1991) Judge Hester wrote:

It is clear that if a defendant is the moving party, he may make the showing necessary to support the entrance

of summary judgment by pointing to materials which indicated that the plaintiff is unable to satisfy an element of this cause of action. See *Eckenrod v. GAF Corp.*, *supra* (wherein, by approving grants of summary judgment on motions that were based upon the failure of the plaintiffs to satisfy an element necessary of their case, we *impliedly* utilized this principle); *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986) (wherein the Supreme Court considered the language of F.R.C.P. 56(c), which is similar to that set forth in Pa.R.C.P. 1035(b) and *explicitly* indicated the same)

Special note should be taken of the requirement under Rule 1035.2(2) that the motion be made after completion of discovery relevant to the motion, including the production of expert reports. While Rule 1035.2(2) is prefaced with the statement that any party may file a motion after the relevant pleadings have closed, the adverse party must be given adequate time to develop the case and the motion will be premature if filed before the adverse party has completed discovery relevant to the motion. The purpose of the rule is to eliminate cases prior to trial where a party cannot make out a claim or a defense after relevant discovery has been completed; the intent is not to eliminate meritorious claims prematurely before relevant discovery has been completed.

The timing of the motion is important. Under Rule 1035.2(1), the motion is brought when there is "no genuine issue of any material fact . . . which could be established by additional discovery or expert report." Under Rule 1035.2(2), the motion is brought "after the completion of discovery relevant to the motion."

New Rule 1035.2 provides that a party may move for summary judgment after the "relevant" pleadings are closed and, in order to provide discretion in the lower court, within such time so as not to "unreasonably" delay the trial. These revisions have been made also to Rule 1034 governing judgment on the pleadings.

Rule 1035.3. Response. Judgment for Failure to Respond.

New Rule 1035.3 requires that a response must be filed within thirty days after service of the motion and provides for supplementation of the record. The response provisions of subdivision (a)(1) and (2) correspond to the bases for summary judgment in Rule 1035.2(1) and (2). The rule permits entry of judgment for failure to respond to the motion but does not require it.

Rule 1035.4. Affidavits.

New Rule 1035.4 governing affidavits is derived verbatim from the first three sentences of prior Rule 1035(d) and therefore represents no change in practice. The note to the new rule replaces subdivision (f) of the prior rule relating to affidavits made in bad faith or for purposes of delay.

Rule 1035.5. Procedure When Judgment Is Denied or Is Not Rendered Upon the Whole Case.

New Rule 1035.5 is a rule of case management based upon former Rule 1035(c). It is related to the concept of a partial judgment set forth in Rule 1035.2 and encourages the use of the motion for summary judgment to simplify and expedite the course of litigation. If judgment is denied or not entered upon the whole case, the rule authorizes the court to simplify the future course of the

action by determining "which material facts relevant to the motion exist without controversy and which are actually controverted."

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 96-283. Filed for public inspection March 1, 1996, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Pennsylvania Rule of Civil Procedure No. 227.4(h);
Administrative Doc. No. 001 of 1996

Order

And Now, this 8th day of February, 1996, it appearing that by Order dated July 28, 1995 the Supreme Court revised Pa.R.C.P. No. 227(h) which provides, *inter alia*, that the Prothonotary shall, upon Praecept of a party, enter judgment upon the verdict of a jury or the decision of a Judge if timely post-trial motions are filed and the Court does not enter an Order disposing of all motions within one hundred and twenty (120) days after the filing of the first post-verdict motion, and it further appearing that the said rule became effective on January 1, 1996, a dispute having arisen as to whether the rule applies to post-verdict motions filed on or after January 1, 1996 or to Praecipies to Enter Judgment filed on or after January 1, 1996, *It Is Hereby Ordered and Decreed* that it is the reasoned decision of the within Court that Rule 227.4(h) applies to post-verdict motions filed on or after January 1, 1996.

Accordingly, the Prothonotary shall not accept for filing Praecipies under Rule 227.4(h) if the post-verdict motions were filed before January 1, 1996.

This Order is issued in accordance with Phila. Civ. R. No. ★51 and Pa.R.C.P. No. 239 and shall become effective immediately. As required by Pa.R.C.P. No. 239, the original Order shall be filed with the Prothonotary in an

Administrative Docket maintained for Orders issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedure Rules Committee. Copies of the Order shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library, and the law library for the First Judicial District.

ALEX BONAVIDACOLA,
President Judge

[Pa.B. Doc. No. 96-284. Filed for public inspection March 1, 1996, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Amendment of Local Civil Action Rule 39-1920.3;
Vol. BB, Page 48

Order of Court

February 12, 1996, Civil Action Rule 39-1920.3 for the Court of Common Pleas of the 39th Judicial District of Pennsylvania is hereby amended as follows, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
Judge

Rule 39-1920.3. Commencement of the Action.

(a) In addition to all filing fees now or hereafter required to be deposited at the time a complaint in divorce is filed, a standing master/transcription assessment in the amount of \$55.00 shall be deposited commencing April 1, 1996.

[subdivision (b) remains the same].

[Pa.B. Doc. No. 96-285. Filed for public inspection March 1, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF AUCTIONEER EXAMINERS

[49 PA. CODE CH. 1]

Examination Fees

The State Board of Auctioneer Examiners (Board) amends § 1.23 (relating to auctioneer licensure examination; fees) pertaining to increased fees for examinations for licensure after September 1, 1995, as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 6 of the Auctioneer and Auction Licensing Act (act) (63 P. S. § 734.6), examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. This amendment will change fees for examinations to candidates for licensure. Contract costs for examination services increased with the September 1995, examination under the new contract executed September 1, 1995.

Public notice of intention to amend § 1.23 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. §§ 1201 and 1202) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by this amendment have been given actual notice of the Board's intention to amend § 1.23 in advance of final rulemaking under section 204(2) of the CDL.

Statutory Authority

This amendment is adopted under section 812.1 of The Administrative Code of 1929 and section 6 of the act.

Fiscal Impact and Paperwork Requirements

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay an increased fee to cover contract costs for the examination.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), a copy of the amendment was submitted on December 6, 1995, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-1—732-506).

Under section 5(c) of the Regulatory Review Act, the amendment was deemed approved by the House and Senate Committees on December 27, 1995, and approved by IRRC on January 3, 1996.

Additional Information

Individuals who desire information are invited to submit inquiries to Dorna Thorpe, Board Administrator, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397.

Findings

The Board finds that:

(1) Public notice of intention to amend the regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL is in this circumstance, unnecessary because section 812.1 of The Administrative Code of 1929 requires candidate fees cover the cost of the examination.

(2) Persons affected by the regulation as adopted by this order have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 1, are amended by amending § 1.23 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 Attorney General for approval as to legality as required by law.

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

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*, and apply to examinations administered on and after September 1, 1995.

WYLIE S. RITTENHOUSE,

Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 284 (January 20, 1996).)

Fiscal Note: 16A-643. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS PART I. DEPARTMENT OF STATE Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS CHAPTER 1. STATE BOARD OF AUCTIONEER EXAMINERS LICENSURE

§ 1.23. Auctioneer licensure examination; fees.

(a) The Board will schedule the auctioneer licensure examination two times each year.

(b) The applicant for auctioneer's license shall apply to the Board for admission to the licensure examination and pay the fee of \$87.

(c) If an applicant fails the examination once, the applicant may take the next scheduled examination or the examination following the next scheduled examination. If an applicant fails the licensure examination twice, the Board, upon notice to the applicant, may require the applicant to complete additional training approved by the Board.

[Pa.B. Doc. No. 96-286. Filed for public inspection March 1, 1996, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 5320]

Long-Term Structured Residences

Statutory Authority

The Department of Public Welfare (Department), by this order adopts Chapter 5320 (relating to long-term structured residences) as set forth in Annex A under the authority of section 1021 of the Public Welfare Code (62 P. S. § 1021).

Notice of proposed rulemaking was published at 23 Pa.B. 5806 (December 11, 1993).

Purpose of the Regulations

The purpose of these final regulations is to adopt licensure requirements for long-term structured residences (LTSRs) which are highly structured therapeutic residential mental health treatment facilities of no more than 16 beds. They are designed to serve persons 18 years of age or older who are eligible for hospitalization but who can receive adequate care in an LTSR. Admission is limited to individuals who require the services described in Chapter 5320. Admission may occur voluntarily under section 201 of the Mental Health Procedures Act (50 P. S. § 7201) or involuntarily under section 304, 305 or 306 of the Mental Health Procedures Act (50 P. S. §§ 7304—7306). LTSRs are required to provide services and treatment in accordance with Departmental regulations at 55 Pa. Code Chapter 5100 (relating to mental health procedures).

Need for the Regulations

The establishment and licensing of LTSRs furthers the Department's goal of establishing a comprehensive array of community-based mental health services, including alternatives to inpatient hospitalization, that are administered by the county mental health offices. LTSRs have been established as an alternative to hospital services in those county mental health service systems affected by the closure or consolidation of a State hospital. Additional programs have been proposed under county/State hospital integrated project plans that have been submitted for approval by the Department. Regulations are needed to assure appropriate care, service delivery and safety of residents in these programs.

Requirements

The requirements in § 5320.11(2) (relating to prerequisites to licensure), that an LTSR may be licensed only if it is identified in the officially submitted county plan, as well as the requirement in § 5320.32(1) (relating to

admission authorization), that the County Administrator's Office (CAO) approve all admissions, identify the CAO as the single point of accountability for provider participation, client services and financial decision making. The responsibilities of the area offices of mental health, which are a part of the Department, include the oversight and monitoring of all mental health services within their jurisdiction which are publicly and privately funded. Their responsibilities include licensing and service utilization review.

These final regulations contain the licensing requirements that must be met to obtain a certificate of compliance to operate an LTSR. These final regulations are intended to safeguard and promote the health and mental health, safety, well-being, rights and dignity of each LTSR resident.

Affected Organizations and Individuals

The primary beneficiaries of LTSR services are individuals 18 years of age or older and over who do not need hospitalization but who require mental health treatment and supervision on an ongoing 24-hour per day basis. LTSRs are new and distinct community-based residential treatment services that affect persons who require these services, their families, service providers and the CAOs that provide funding for LTSRs.

Accomplishments and Benefits

LTSRs provide a 24-hour therapeutic environment which employs active psychiatric treatment and psychosocial rehabilitation skills training in a structured residential milieu. LTSR services provide a less restrictive and less costly alternative to inpatient hospitalization. The operational policies and procedures empower residents to take an active role in their treatment and other decisions which affect their lives, and create an environment which reduces stigma, promotes independence and fosters self-esteem. The policies and procedures should be flexible enough to accommodate cultural diversity among the residents and their individual and changing needs. They are designed to gain maximum benefit from community mental health providers and other available resources while ensuring that public funds are expended efficiently.

Public Comments

The LTSR regulations were published as proposed at 23 Pa.B. 5806. Written comments, suggestions and objections were solicited within a 30-day period after the publication date. As a result of extensive comments received after the publication of the proposed regulations, and actual experience with the currently operating programs, numerous revisions were made to the proposed regulations. The final regulations now apply to additional geographical areas (see § 5320.1). The final regulations also differ from the proposed regulations in format and include language revisions to clarify the meaning of various sections. The revisions do not, however, enlarge the original purpose of proposed rulemaking.

Summary of Changes

The final regulations have also had considerable public review and input beyond the publication and response period. A workgroup consisting of representatives from the Statewide Mental Health Consumers Association, Alliance for the Mentally Ill, Community Providers Asso-

ciation, Philadelphia City Mental Health Office and the Office of Mental Health Area Offices and Headquarters staff met as needed in a collaborative effort to respond to the comments and revise the proposed regulations.

Over 30 comments were received from interested persons or organizations throughout this Commonwealth. The principal comments received were related to: changes in the rulemaking that may affect established LTSRs; the availability of LTSRs; staffing requirements; pharmaceutical arrangements, medication administration and seclusion and restraint. A summary of the comments received, and the Department's response to those comments, follows. Several general comments are listed under the relevant regulatory heading.

COMMENTS

1. *Comment:*

The Independent Regulatory Review Commission (IRRC) questioned how the changes proposed in this final rulemaking would affect LTSRs which were established and have been operating under the original proposed regulations as published at 21 Pa.B. 2020 (May 4, 1991) which proposed a significantly different set of rules.

IRRC recommended expanding and revising the waiver of standards in § 5320.101 (relating to waiver of standards). This would enable providers an opportunity to seek a waiver from a new requirement for good cause as long as the health and safety of residents is not jeopardized.

Response:

Although the final regulations differ from the originally proposed regulations in regard to Statewide expansion, format and language clarifications, the Department does not believe the revisions enlarge the original purpose of proposed rulemaking or represent a significantly different set of rules. The Department, however, agrees with IRRC's recommendation and has revised § 5320.101 to establish a more generalized waiver of standards so that providers which have been operating under the original proposed regulations would have opportunity to seek a waiver from a new requirement for good cause.

2. *Comment:*

One provider commented that there are and will be LTSR programs in areas that are still being serviced by a State hospital. In many instances, the populations of these programs may not be as severely ill as those where there is no State hospital. In cases where the population is fairly stable the provider suggested that staffing patterns and psychiatric time be adjusted to reflect the nature of the population. In instances when there would be a need for more supervision of psychiatric time, adjustments could be made to provide needed services.

Response:

Despite closings and consolidations, all areas of the State are served by State mental hospitals. Residents who do not require mental health treatment and supervision on a 24-hour per day basis are not the appropriate population for LTSRs. These residents would be more appropriately served in Community Residential Rehabilitation programs (CRRs) or less intensive residential/housing programs. Since LTSRs were designed for individuals who would otherwise be hospitalized, any adjustments to the requirements set forth in this chapter will have to occur through the waiver of standards process described in § 5320.101.

GENERAL PROVISIONS

Section 5320.1. Scope.

3. *Comment:*

In §§ 5320.1 and 5320.2 (relating to scope; and policy), it is not clear whether an individual can seek admission to an LTSR or whether LTSRs can be established in all counties Statewide. IRRC believed that the sections should not preclude a county from requesting approval to establish an LTSR through its county plan, and recommended that the language under this section be expanded to read "This chapter is applicable to counties affected by the closure or consolidation of a State mental hospital, or where a County/State hospital integrated project has been approved by the Department or where operation of LTSRs are included in a county plan."

Response:

In response to these comments, the Department has revised § 5320.1 to include references to §§ 5320.31 and 5320.32(1) and (2) (relating to admission criteria; and admission authorization). The referenced sections provide clarification on the LTSR admission criteria and admission authorization process under IRRC's recommendation. The Department also revised § 5320.1 by inserting the phrase "or where operation of LTSRs are included in an approved county plan."

Section 5320.3. Definitions.

4. *Comment:*

In several sections, references are made to the resident's designated person, guardian, next of kin or family member. It is unclear whether the references are intended to be interchangeable with "designated person" or whether the reference is to another person acting on the resident's behalf.

IRRC recommended the term "designated person" be used consistently throughout the chapter. The term "guardian" should be defined and references to family, next of kin, executor, appropriate other persons and agency should be deleted from §§ 5320.33(a), 5320.51(4)(i) and 5320.64(c)(1)(v) (relating to resident provider contract; information on resident rights; treatment plan; and resident records).

Response:

The Department agrees with this recommendation and has revised the chapter to replace the terms "family," "next of kin," "executor," "appropriate other persons" and "agency" with the term "designated person" in §§ 5320.33(a) and 5320.51. In addition, use of the term guardian (personal or legal) throughout the chapter has been deleted and the phrase "act on behalf of the resident" has been added to the definition in § 5320.3 (relating to definitions).

PROVISION OF SERVICES

Section 5320.22. Governing body.

5. *Comment:*

One provider believed § 5320.22(4) (relating to governing body) regarding the development of measurable anticipated outcomes in an LTSR is problematic. LTSRs do not have enough historical data to derive accurate predictive outcomes as the LTSR has only been operational since April 1992. Additionally, predicting therapeutic outcomes with a chronic schizophrenic population is in itself very inaccurate as regression is frequently difficult to predict.

Response:

The Department disagrees with these comments. Measurable outcome indicators are essential components of a quality improvement program and can, in fact, be developed for the program and individuals with serious mental illness. For example, changes in the frequency of symptoms or behaviors are measurable outcomes.

Section 5320.23. Access.

6. *Comment:*

This section authorizes access to the facility by community service organizations, community legal services, advocacy groups, consumer and family organizations and authorized Federal, State or local government agents. Although there is strong support for the inclusion of access by legal services, advocacy groups, consumer and family organizations and government agents, IRRC questioned the unlimited right to access by community service organizations. IRRC suggested the Department delete this reference and allow the provider to review requests by community service organizations to access the facility on a case-by-case basis.

Response:

The Department agrees with this recommendation and has deleted the phrase "access by community service organizations" and added the following sentence: "The provider will review requests by generic community service organizations to access the facility on a case-by-case basis."

Section 5320.25. Provider records.

7. *Comment:*

IRRC recommended that the Department clarify what it believes are appropriate allowable charges in order to assure that costs are standardized as much as possible in letters of agreement entered into by county administrators.

Response:

The Department agrees that clarification of this section (as well as § 5320.33) is needed. Section 5320.11 and § 5320.25 (relating to provider records) have been revised to clarify that the County Administrator/Provider Letter of Agreement delineate the services and items included in the per diem cost of care, including room and board, treatment, rehabilitation and personal care services, personal hygiene items and laundry services. Section 5320.33(c) (relating to resident/provider contract; information on resident rights) has been revised to clarify that residents may be responsible for the cost of services or items that are not included in the per diem cost of care if the items are furnished at the request of the resident.

Section 5320.26. Confidentiality.

8. *Comment:*

IRRC recommended the Department add language to ensure that confidentiality of individual records is maintained by inserting the word "individual" before the words "mental health records."

Response:

The Department agrees with this recommendation and has inserted the word "individual" before the words "mental health records."

ADMISSION AND RESIDENT/PROVIDER CONTRACT

Section 5320.31. Admission criteria.

9. *Comment:*

This section was titled "Admission, Initial Assessment Procedures and Reassessment" in the proposal. IRRC believed that § 5320.32 should be limited to the admission process and the resident/provider contract provisions and that § 5320.32(3) and (4) were repetitive of the requirements contained in § 5320.51 (relating to the treatment plan), and would be more appropriately placed in § 5320.51. IRRC further recommended that this title be amended to read "Admission and Resident/Provider Contract."

Response:

The Department agrees with these recommendations. The section has been retitled and limited to the admission process and the resident/provider contract provisions. Also, § 5320.32(3) and (4) were placed in § 5320.51.

ADMISSION AUTHORIZATION

Section 5320.32. Admission authorization.

10. *Comment:*

This subsection was titled "Assessment and Admission Authorization." IRRC recommended the title of this section be amended to read "Admission Authorization." Also, under this section, the Department should define "referring entity" in § 5320.3.

Response:

The Department agrees with these recommendations and has amended this section to read "Admission authorization" and has defined "referring entity" in § 5320.3.

Section 5320.33. Resident/provider contract; information on resident rights.

11. *Comment:*

Under subsection (a), the provider must explain the contents of the contract to the resident or the resident's guardian. IRRC questioned whether the provider could explain the contents of the contract to the resident's designated person if the guardian and designated person are not the same individual. IRRC suggested the Department add a reference to "designated person" within subsection (a). Additionally, the word "or" in subsection (a) should be replaced with the word "and" to ensure that both the resident and the legal guardian or the designated person are aware of the terms of the contract.

Response:

In response to these comments, the Department added a reference to "designated person" within subsection (a) and replaced the word "or" with the word "and" to ensure that both the resident and the Department designated person are aware of the terms of the contract. The Department also clarified the definition of "designated person" in § 5320.3.

12. *Comment:*

Under subsection (b)(1), the resident/provider contract must include the actual amount of allowable resident charged for services and items. IRRC believes the regulation should be amended to clearly require the contract to identify the actual amount for each service or item, or both, for which the provider is authorized to charge the resident, not only a total amount. Thus, the contract would clearly identify each charge for which the resident would be responsible.

Response:

As noted in response to comments regarding § 5320.25, the Department agrees that clarification of this section was needed and the suggested changes were made. See response at §§ 5320.11 and 5320.25. The Department has also revised the language in § 5320.33(c) to clarify the types of charges for which the resident could be responsible.

*REQUIREMENTS FOR DIRECT-CARE AND SUPPORT STAFF*13. *Comment:*

The preplacement and biennial physical examinations for direct care and dietary support staff are under §§ 5320.22(9) and 5320.25(5). However, there is no specific section which requires the direct-care staff and dietary support staff to have a preplacement or biennial physical examination. In addition, the proposed rulemaking required a tuberculosis and hepatitis screening. It is unclear whether the Department intends physical examinations under this rulemaking to also include the screenings. IRRC recommended the Department incorporate the requirements for physical examinations and a description of what the examinations must include in this section.

Response:

The Department agrees with these comments and has deleted the language in § 5320.22(9) and revised § 5320.25(5) to require direct-care and dietary staff to have preemployment and biennial examinations, including screening for tuberculosis and hepatitis. The Department began renumbering this section to create a specific section, § 5320.41 (relating to physical examinations), requiring staff to have physical examinations with screenings for tuberculosis and hepatitis. The Department has also changed the word "preplacement" to "preemployment."

Section 5320.42. Staffing levels.

14. *Comment:*

Section 5320.42(3) (relating to staffing level) requires a minimum of three staff persons to be awake and on duty when 10 to 16 residents are on the premises, and paragraph (4) requires two staff persons to be awake and on duty when fewer than 10 residents are on the premises. The Department does not identify which staff is required to be on duty (that is, direct care staff, support staff or either). IRRC suggested the final-form regulation specifically identify the types of staff required to meet the staffing levels.

Response:

In response to these comments, the Department has specified in § 5320.42(3) and (4) that direct-care staff are required to be awake and on duty when residents are on the premise. The Department also inserted "direct-care" at § 5320.42(8) and (9).

15. *Comment:*

IRRC suggested allowing just two staff on duty as long as another direct-care staff person is on call. Or, if the Department continues to believe that three staff persons are essential, IRRC suggested considering allowing the three staff persons to be comprised of at least two direct-care staff and one support staff during the evening hours.

Staff at one provider agency have expressed concerns that utilizing three staff persons on a midnight shift (11 p.m. to 7 a.m.) is not necessary since most of the

residents are asleep. They indicated that there is very little resident contact during the night shift. They believe that requiring three staff members to be present and awake would deplete staff from other shifts where there is a greater need for direct resident care.

Response:

The Department agrees with these recommendations and has revised the regulation to allow two direct-care staff awake and on duty as long as there is another direct-care staff on call and able to respond onsite within 30 minutes or less.

Section 5320.43. Program director and direct-care staff qualifications.

16. *Comment:*

IRRC and several staff from one provider agency questioned whether the level of education proposed is necessary. Both believe that only allowing a person with a Master's degree to qualify for these positions reduces the provider's ability to recruit and retain staff. In order to provide some flexibility for hiring practices, while at the same time ensuring that qualified staff are employed, both IRRC and the provider agency strongly suggested the Department consider also allowing individuals with a Bachelor's degree and a number of years of clinical experience (that is, 5 or 6 years) to also qualify for these positions.

Response:

In response to this comment, the Department recognizes the concerns regarding recruitment and retention; however, the Department disagrees with the suggested change. LTSRs are 24-hour treatment facilities designed for persons who are seriously mentally ill and who otherwise would be hospitalized. As such, the Department must ensure that program direction is provided by persons with graduate level clinical training for which experience is not a sufficient substitute. Furthermore, § 5320.101 allows for a waiver to address staffing variations.

17. *Comment:*

A second concern expressed by IRRC with the provisions under § 5320.43 (relating to program director and direct-care staff qualifications) related to the requirements for the program director and mental health professionals to be licensed, certified or registered by a professional licensure board. Since there are several State licensure boards, many of which are not relevant to the mental health field, IRRC suggested the Department specifically incorporate the appropriate state boards and the applicable terms (that is, licensed, registered or certified).

Response:

In response to these comments, the Department has revised § 5320.43(a)(2) and (b)(2) to clarify the requirements. The Department's reference to licensure, certification or registration is only relevant if the profession is governed by a registration, certification or licensing board in this Commonwealth.

18. *Comment:*

Subsection (c) contains qualifications for mental health workers. A mental health worker shall be a person without a graduate degree who by training and experience has achieved recognition as a mental health worker. Absent any degree requirements, the phrase "without a graduate degree" should be eliminated. IRRC questioned how one achieves recognition as a mental health worker.

IRRC strongly recommended that the Department establish specific minimum training and experience criteria and delete the phrase "has achieved recognition as a mental health worker."

Response:

The Department agrees with this recommendation and has revised this section to include minimum training and experience criteria for a mental health worker. The phrase "has achieved recognition as a mental health worker" has been deleted as suggested.

Section 5320.45. Staff orientation and training.

19. *Comment:*

IRRC believed this section should be divided into two sections since they are two separate and distinct requirements.

Under the training provisions, the regulation incorporates a number of topics to be included in the orientation and training program. In order to provide greater clarity, IRRC suggested the Department establish separate sections identifying topics to be included in the orientation program for direct care and support staff as well as another section identifying the types of topics required to be incorporated in the ongoing training program.

Response:

The Department agrees with these recommendations and has revised the regulation accordingly. Section 5320.45(3) (relating to staff orientation and training) (new section) now describes topics included in the orientation program for direct-care and support staff while § 5320.45(4) identifies the topics included in the ongoing training program.

THERAPEUTIC PROGRAM

Section 5320.51. Treatment plan.

20. *Comment:*

IRRC suggested that the provisions in § 5320.32 which relate to the assessment process and the responsibilities of the interdisciplinary team would be more appropriately placed in this section.

IRRC also believed the language in § 5320.51(1) (relating to treatment plan) should be replaced with the language currently proposed in § 5320.32(3) which more clearly explains what the initial assessment should entail. Additionally, the Department should ensure that the reassessment provisions proposed in § 5320.32(4) are moved to the therapeutic program sections.

Response:

The Department agrees with these recommendations and has revised the sections accordingly.

21. *Comment:*

One provider suggested changing § 5320.51(2) to require that the comprehensive treatment plan be developed within 30 days rather than 10 days of admission.

Response:

The Department disagrees with this suggestion. The treatment needs of residents and practical experience with existing LTSRs demonstrate that the treatment plan can and should be completed within 10 days of admission.

Section 5320.53. Medication.

22. *Comment:*

Subsection (a)(3) states that medication administration policies and procedures shall address how medication and

treatments shall be administered by the licensed staff who prepared the dose for administration and shall be given as soon as possible after the dose is prepared. The latter portion of this provision which requires administration of a dosage as soon as possible after preparation would be more appropriate if placed under a new subsection regarding medication administration. Therefore, IRRC recommended subsection (a)(3) be revised to read "How medication and treatments shall be administered by the licensed medical staff who prepared the dose for administration."

Response:

In response to this suggestion, the Department has revised this section by deleting the phrase "and must be given as soon as possible after the dose is prepared." With this change, the Department does not believe there is need for a new subsection.

23. *Comment:*

Section 5320.53(b) sets forth the circumstances under which the provider stores medication for residents. IRRC suggested subsection (b)(3) and (4) be combined to read, "Each prescription medication ordered for a resident is kept in the original prescription container labeled by the dispensing pharmacist for the sole use of the resident."

Response:

The Department agrees with this suggestion. Paragraphs (3) and (4) of subsection (b) have been combined using the recommended language.

24. *Comment:*

One provider agency suggested that § 5320.53(c)(1) and (2) under pharmaceutical services was unnecessary, redundant and increased the cost of an already expensive program. At present LTSR residents have their medication regime reviewed at least every 30 days by the treatment team.

This provider agency believed the quarterly review by a pharmacist can only determine if the medications being prescribed are in the therapeutic range or contraindicated. This should be done by the LTSR's nurse who sees the resident on a daily basis and is familiar with the individual's background and medication history.

This provider also believed an annual review of the provider's medication policies and procedures is already being conducted during the annual licensing review. In addition, in-service recommendations are already incorporated as part of the regulations under staff training.

Response:

The Department disagrees with these comments. The proposed standards are intended to meet quality program management requirements. The preparation and involvement of a pharmacist in the review of medication is essential to the proper management of the psychiatric and physical conditions and illnesses of LTSR residents.

Section 5320.54. Seclusion and restraints.

25. *Comment:*

This section sets forth the prohibition of the use of seclusion and restraints for behavior management. Under subsection (c), IRRC recommended that it is not clear whether the Department intended providers to meet the requirements of both paragraphs (1) and (2). In order to provide greater clarity, IRRC suggested the phrase "all of the following" be inserted after the word "meets" in subsection (c).

Response:

The Department requires providers to meet both paragraphs (1) and (2) and has revised this section reversing the order of (1) and (2) and using the phrase "when the following conditions are met" at subsection (c).

26. *Comment:*

Under § 5320.54(c)(1), IRRC questioned what State and local standards the Department is requiring providers to meet. IRRC recommended the Department specifically cite the standards intended so that providers have a clearer understanding of what is required by this section.

Response:

The Department agrees with this comment and has revised the subsection to include references to the following standards: 28 Pa. Code Part IV (relating to health facilities); 55 Pa. Code Chapter 5300 (relating to private psychiatric hospitals); 34 Pa. Code Chapters 49—59, National Fire Protection Agency related to Institutional Occupancy (current applicable standards of Life Safety Code); and equivalent standards of cities with 1st class status.

27. *Comment:*

IRRC commended that § 5320.54(c)(2) provides no indication of the volume, code or statute where this section appears. IRRC suggested this provision be further clarified by deleting the word "section" and specifically adding a reference to Chapter 13 (relating to use of restraints in treating patients/residents).

Response:

The Department agrees with this comment and has revised the subsection to correctly reference this citation as § 13.4 (relating to use of restraints to control involuntary movement due to organic cause or conditions). This paragraph was renumbered as (1).

PERSONAL CARE SERVICES/RESIDENT RECORDS

Section 5320.63. Resident's funds.

28. *Comment:*

Under § 5320.63(4)(iii) (relating to resident funds), the provider must assist the resident with financial arrangements if a resident's accumulated cash assets, after room and board and daily spending allowance exceeds \$200. IRRC believed this section needs further clarification regarding what is included in the room and board charge, who determines it and what is the level of the daily spending allowance and whether it is contained in the resident/provider agreement.

Response:

In response to this comment, the Department references the revisions in §§ 5320.11(3), 5320.25(12) and 5320.33(b)(6) that further clarify what items are included in the per diem cost of care as well as the resident liability. The Department has also clarified the minimum monthly amount of funds retained by the resident. The reference to "daily spending allowance" has been deleted from this subsection and § 5320.33(b)(6) has been added to require that procedures for resident access to funds be included in the provider/resident agreement.

Section 5320.64. Resident records.

29. *Comment:*

Under subsection (c), IRRC questioned the need for the inclusion of race and ethnicity in the clinical record of a resident. IRRC has found no legal basis which would

allow for the collection of this information. If the Department continues to believe the collection of this information is authorized, it should provide the legal basis and the rationale. Additionally, IRRC believed the information should be collected on a voluntary, anonymous basis.

Response:

The Department disagrees with this recommendation. The inclusion of race and ethnicity in the resident record is clinically appropriate and the Department knows of no legal basis for excluding these factors. Appropriate treatment and treatment planning must include consideration of race/ethnicity. For example, utilization and peer review cannot be appropriately conducted without consideration of these factors.

The legal basis is as follows: § 20.36 (relating to licensure or approval of facilities and agencies) cites Title VI of the Civil Rights Act of 1964, CFR 80.6—10; which incorporates by reference section 504 of the Rehabilitation Act of 1973, and the Pennsylvania Human Relations Act (43 P. S. §§ 951—963). These Federal regulations clearly require collection of this data as part of compliance reporting. In addition, the collection of race and ethnicity is required by the DPW/OMH Consolidated Community Reporting System (CCRS) as specified in the reporting manual revised: July 1, 1992.

30. *Comment:*

Under § 5320.64(c)(1)(viii), the clinical record shall contain "the most recent annual physician's examination." IRRC recommended the word "physician's" be deleted and replaced with the word "physical."

Response:

The Department agrees with this recommendation and has revised the language accordingly.

BUILDING, FIRE PROTECTION, FURNISHINGS AND MAINTENANCE

Section 5320.81. Building, physical plant and grounds.

31. *Comment:*

IRRC commented that a provider which had been licensed or approved to operate an LTSR with bed capacity in excess of 16 prior to January 1, 1993, is exempt from this subsection.

IRRC questioned the rationale for selecting January 1, 1993, as the exemption date. IRRC questioned how many LTSRs are in excess of 16 beds and how the Department will address staffing levels to ensure a safe and therapeutic environment in facilities which exceed 16 beds. IRRC strongly believed that staffing levels must be established based upon a reasonable resident/staff ratio to ensure a safe and therapeutic environment.

Response:

In response to these comments, the Department choose January 1, 1993, since it was the beginning of the year immediately preceding publication of the draft regulations. At that time, there was only one provider with bed capacity in excess of 16. There are no additional providers with bed capacity in excess of 16. LTSR regulations prohibit housing more than 16 residents. Staffing levels were established in § 5320.42.

32. *Comment:*

IRRC recommended that § 5320.81(b) be clarified to identify whether the purpose of this section is to allow for locks on common entrances or if the intent is to require the capacity to lock resident rooms.

Response:

The Department's intent is to allow for locks on common entrances, not to lock resident rooms. The language at § 5320.81 (relating to building, physical plant and grounds) has been revised to reflect the Department's intention.

WAIVER OF STANDARDS

Section 5320.101. Waiver of standards.

33. *Comment:*

The Department proposes to limit the ability to apply for waivers to only one provision of the regulation, § 5320.41(3).

IRRC believed the Department should adopt a general waiver provision which allows an LTSR to submit a waiver request to the Department from any of the specific requirements included in the chapter. IRRC recommended using waiver language under § 2620.12 (relating to waivers).

This would provide an avenue for LTSRs currently operating under a different set of requirements to continue providing the same services yet have the ability to submit a waiver request for good cause.

Response:

In response to this comment, the Department has adopted the waiver of standards language as described in Chapter 2620 (relating to personal care home licensing).

SANCTIONS

34. *Comment:*

Under the prior proposed rulemaking, the Department established an entire subchapter incorporating the conditions for denial, nonrenewal and revocation of licenses as well as an appeal process. This rulemaking omits that entire subchapter. The Department staff indicated that it was eliminated because LTSRs are subject to the sanction provisions contained in Chapter 20. IRRC suggested the Department either incorporate those provisions in Chapter 20 or specifically include a statement in the regulation that failure to comply with Chapter 5320 may result in the imposition of sanctions found in Chapter 20.

Response:

In response to this comment, the Department has included at § 5320.12 (new section) the statement "Failure to comply with this chapter may result in the imposition of sanctions found in Chapter 20 (relating to licensure or approval of facilities and agencies)."

APPENDIX A

35. *Comment:*

IRRC recommended the Department eliminate Appendix A, Community Support Principles from the rulemaking and incorporate the principles as a statement of policy.

Response:

In response to this recommendation, the Department has incorporated the Community Support Principles as a Statement of Policy as suggested by IRRC. See Subchapter L (relating to statement of policy) at 26 Pa.B. 915 (March 2, 1996).

Fiscal Impact

Public Sector

Commonwealth

LTSRs may be established only in those counties affected by the closure or consolidation of a State mental hospital, or when a county/State mental hospital integrated project has been approved by the Department or where operations of LTSRs are included in an approved county plan. As part of a State hospital bed reduction, funds previously allocated to the State hospitals will be allocated under contract to county administrators to provide community-based services, including LTSRs, for persons who are eligible for hospitalization but can receive adequate care in an LTSR.

LTSRs are treatment facilities which provide a less expensive alternative to psychiatric inpatient care. In addition to State hospital patients, patients referred from private psychiatric hospitals and psychiatric units of general hospitals may also be admitted to an LTSR. The Department must license providers and provide periodic inspections.

Political Subdivisions

The county administrator is the single point of accountability for program and financial decision making. The administrator must authorize and establish conditions for the provision of services. LTSR services are 100% State funded; however, funding needs will vary from LTSR to LTSR according to the services provided, the size of the program and the area served.

Private Sector

Payment rates will be cost-based and negotiated between providers and the CAO. Providers will be required to establish written policies for providing services, compile and maintain personnel records, service contracts with consultants, if needed, and letters of agreement with other community resources.

General Public

LTSR residents are the major group within the general public who will benefit from being in small residential treatment facilities with a home-like environment rather than large State institutions. There are the customary indirect costs to the general public when services are provided in an efficient and effective manner to persons with serious mental illness.

Paperwork Requirements

Providers will be required to establish written policies for guiding the operation of the LTSR. They will be required to maintain comprehensive individual resident records, and a schedule of fees and charges. Prior to, or upon admission, a written agreement meeting specified minimum requirements must be signed by the provider and the resident. A written policy must be established for in-service orientation and training for all staff. If the provider manages residents' funds, the provider must document deposits, receipt of funds, dispersal of funds and the current balance. Paperwork requirements will vary according to the service provided, the size of the program and the area served.

Cross References

These regulations reference Chapters 20, 4215 and 5100. The 1990 Americans with Disabilities Act (42 U.S.C.A. §§ 12101—122213), section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794) and the Protection

and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C.A. §§ 10801—10851) are also referenced.

Effective Date

The regulations will become effective upon publication as final regulations in the *Pennsylvania Bulletin*.

Sunset Date

There is no sunset date for these regulations. The effectiveness of these regulations will be evaluated as part of the Department's annual licensing inspections of programs.

In addition to the annual licensing inspections conducted by the Department, LTSRs will be monitored by the county on an ongoing basis. Section 305(7) of the Mental Health and Mental Retardation Act of 1966 (50 P. S. § 4305(7)), requires county mental health/mental retardation administrators to review and evaluate facilities and to cooperate with the Department in the maintenance of established standards.

Data obtained through annual licensing inspections, together with county reviews, will be used by the Department to evaluate the effectiveness of these regulations.

Contact Person

Questions on these regulations should be directed to Barbara Dean-Johnson, Bureau of Adult Services, Office of Mental Health, Room 502, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-7666.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking, published at 23 Pa.B. 5806 (December 11, 1993), to IRRC and the Chairpersons of the House Committee on Health and Welfare and the Senate Committee on Public Health and Welfare for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of comments received, as well as other documentation.

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

In accordance with section 5(c) of the Regulatory Review Act, these final-form regulations were deemed approved by the Committees on November 16, 1995, and were disapproved by IRRC on November 16, 1995.

On November 27, 1995, the Department notified the Chairpersons of the Committees and IRRC of its intention to proceed under section 7(c) of the Regulatory Review Act (71 P. S. § 745.7(c)). On December 27, 1995, under section 7(c) of the Regulatory Review Act, the Department submitted its report to the designated Committees and IRRC.

These amendments were deemed approved by the Committees on January 8, 1996; and were approved by IRRC on January 18, 1996.

Findings

The Department finds that:

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

(2) The adoption of these regulations in the manner provided in this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

Order

The Department, acting under the Public Welfare Code, orders that:

(a) The regulations of the Department, 55 Pa. Code, are amended by adding §§ 5320.1—5320.3, 5320.11, 5320.12, 5320.21—5320.26, 5320.31—5320.33, 5320.41—5320.46, 5320.51—5320.54, 5320.61—5320.65, 5320.71—5320.74, 5320.81—5320.86, 5320.91 and 5320.101 to read as set forth in Annex A.

(Editor's Note: Sections 5320.12, 5320.45 and 5230.46 were not included in the proposal at 23 Pa.B. 5806 (December 11, 1993).)

(Editor's Note: For a statement of policy dealing with this rulemaking see 26 Pa.B. 915 (March 2, 1996).)

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

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

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

FEATHER O. HOUSTOUN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 548 (February 3, 1996).)

Fiscal Note: 14-412. (1) General fund;

(2) Estimate for: (DOLLAR AMOUNTS IN THOUSANDS)

	[1]	[2]	[3]
Implementing year			
1991-92 is	\$ 425	\$7,446	\$ 0
(3) 1st succeeding year			
1992-93 is	\$1,451	\$7,446	\$ 0
2nd succeeding year			
1993-94 is	\$ 0	\$ 0	\$ 9,479
3rd succeeding year			
1994-95 is	\$ 0	\$ 0	\$13,964
4th succeeding year			
1995-96 is	\$ 0	\$ 0	\$14,243
5th succeeding year			
1996-97 is	\$ 0	\$ 0	\$14,243

(4) Three year history of program costs: (DOLLAR AMOUNTS IN THOUSANDS)

	[1]	[2]	[3]
FY 1993-94	0	0	\$386,922
FY 1992-93	\$316,217	\$42,940	new approp. 93-94
FY 1991-92	\$303,247	\$44,497	new approp. 93-94

(7) Appropriation Title: Department of Public Welfare—State Mental Hospitals (SMH) [1], Closing of Philadelphia State Hospital [2] and Mental Health Services [3];

(8) recommends adoption. Funds are included in the 1995-96 Community Hospital Integrated Projects Programs (CHIPPS) portion of the Mental Health Services appropriation to cover this cost.

Annex A

TITLE 55. PUBLIC WELFARE

PART VII. MENTAL HEALTH MANUAL

CHAPTER 5320. REQUIREMENTS FOR LONG-TERM STRUCTURED RESIDENCE LICENSURE

Subch.

- A. GENERAL PROVISIONS
- B. GENERAL REQUIREMENTS
- C. PROVISION OF SERVICES
- D. ADMISSION AND RESIDENT/PROVIDER CONTRACT
- E. REQUIREMENTS FOR DIRECT-CARE AND SUPPORT STAFF
- F. THERAPEUTIC PROGRAM
- G. PERSONAL CARE SERVICES/RESIDENT RECORDS
- H. QUALITY IMPROVEMENT/SERVICE UTILIZATION
- I. BUILDING, FIRE PROTECTION, FURNISHINGS AND MAINTENANCE
- J. FOOD SERVICE
- K. WAIVER OF STANDARDS

Subchapter A. GENERAL PROVISIONS

Sec.

- 5320.1. Scope.
- 5320.2. Policy.
- 5320.3. Definitions.

§ 5320.1. Scope.

This chapter establishes minimum standards for the operation of LTSRs for individuals with serious mental illness. See §§ 5320.31 and 5320.32(1)(2) (relating to admission criteria; and admission authorization) for information pertaining to admission criteria and authorization. This chapter is applicable only to counties affected by the closure or consolidation of a State mental hospital, or where a county/State hospital integrated project has been approved by the Department or where operation of LTSRs are included in an approved county plan.

§ 5320.2. Policy.

An LTSR is a highly structured therapeutic residential mental health treatment facility designed to serve persons 18 years of age or older and over who are eligible for hospitalization but who can receive adequate care in an LTSR. Admission is limited to individuals who require the services described in this chapter. Admission may occur voluntarily under section 201 of the act (50 P. S. § 7201) or involuntarily under section 304, 305 or 306 of the act (50 P. S. §§ 7304—7306).

§ 5320.3. Definitions.

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

Act—The Mental Health Procedures Act (50 P. S. §§ 7101—7503).

CPR—Cardio-Pulmonary Resuscitation.

County administrator—The person appointed or designated to carry out the duties specified in section 305 of the Mental Health and Mental Retardation Act of 1966 (50 P. S. § 4305).

Department—The Department of Public Welfare of the Commonwealth.

Designated person—A person chosen by the resident and documented in the resident's record to act, on behalf of the resident or be notified in case of emergency, termination of service, LTSR closure or other situations

as indicated by the resident or as required by this chapter. The designated person could be the resident's family, next-of-kin, legal or personal guardian, executor, appropriate other person or agency.

Direct-care staff—A mental health professional or mental health worker employed by the LTSR provider either directly or under contract, who through education and experience is qualified to oversee or directly provide mental and social services to adults under this chapter. The term does not include support staff such as clerical, dietary, maintenance or fiscal personnel.

Immobile resident—An individual who is unable to move from one location to another or has difficulty in understanding and carrying out instructions without the continual and full assistance of other persons, or is incapable of independently operating a device, such as a wheelchair, prosthesis, walker or cane to exit a building.

LTSR—long-term structured residence—A highly structured therapeutic residential mental health treatment facility for adults.

License—A certificate of compliance issued under Chapter 20 (relating to licensure or approval of facilities and agencies).

Provider—The legal entity to which the license is issued.

Referring entity—The individual or organization referring a person for admission to an LTSR. Referrals can come from self, family, friends, emergency rooms, other residential facilities, psychiatric hospitals, physicians, mental health centers, and the like.

Support staff—A nonmental health professional or mental health worker employed by the LTSR provider either directly or under contract, who does not oversee or directly provide mental and social services to adults under this chapter. The term includes staff such as clerical, dietary, maintenance or fiscal personnel.

Therapeutic environment—A treatment milieu designed to facilitate the acquisition of behaviors necessary for the resident to function with as much self-determination and independence as possible and to prevent or decelerate regression or loss of optimal functioning.

Subchapter B. GENERAL REQUIREMENTS

Sec.

- 5320.11. Prerequisites to licensure.
- 5320.12. Sanctions.

§ 5320.11. Prerequisites to licensure.

To obtain licensure to operate an LTSR, a provider shall:

(1) Comply with Chapter 20 (relating to licensure or approval of facilities and agencies).

(2) Be identified in the approved county plan or its amendments as specified in Chapter 4215 (relating to annual plan and estimates of expenditures).

(3) Have a letter of agreement between the provider and the county administrator's office. The agreement will include:

(i) Admission and discharge authority and procedure.

(ii) Charges for care, including room and board, treatment and rehabilitation services, personal hygiene and laundry services and other personal care services.

(iii) Charges for residents' care may not exceed the resident's current monthly income reduced by a minimum personal allowance of at least \$60.

(iv) Charges for residents' care may not exceed the actual documented costs of services.

(v) Payment mechanisms for LTSR services, including charges for which the resident may be directly billed.

(vi) A dispute resolution mechanism.

§ 5320.12. Sanctions.

Failure to comply with this chapter may result in the imposition of sanctions found in Chapter 20 (relating to licensure or approval of facilities and agencies).

Subchapter C. PROVISION OF SERVICES

Sec.

- 5320.21. Contracted services.
- 5320.22. Governing body.
- 5320.23. Access.
- 5320.24. Access by Pennsylvania Protection and Advocacy.
- 5320.25. Provider records.
- 5320.26. Confidentiality.

§ 5320.21. Contracted services.

To meet the needs of residents, some services are provided under agreements with outside sources. The provider shall have a written agreement with each outside source to furnish the necessary services as stipulated by the County Administrator/Provider Letter of Agreement. The provider is responsible for upholding service stipulations contained in the Letter of Agreement between the county administrator and the provider, even if the provider subcontracts for that service. The LTSR provider agreement with outside providers shall do the following:

(1) Set forth the responsibilities, functions, objectives, scope, cost and nature of the service and other terms agreed to by both parties.

(2) Contain a statement that the LTSR recognizes that it is responsible for ensuring that the contracted services meet the standards specified in this chapter.

§ 5320.22. Governing body.

An LTSR shall be operated by either a nonprofit corporation established under 15 Pa.C.S. Part I, Subpart C (relating to nonprofit corporations) or a for-profit corporation established under 15 Pa.C.S. Part I, Subpart B (relating to business corporations). The corporation's governing body has legal responsibility for the operation of the facility. The governing body shall:

(1) Adopt written policies for its own operation which include:

(i) Criteria for the qualifications and methods of selection for governing body membership.

(ii) Frequency of meetings.

(iii) Procedures for conducting business.

(iv) Provisions for disclosure by members of conditions that may create a conflict of interest and procedures for dealing with conflict of interest situations.

(2) Select a program director qualified under § 5320.42 (relating to staffing levels) who shall supervise the LTSR in accordance with the policies of the governing body and be officially responsible to the governing body.

(3) Conduct an annual review and evaluation of the LTSR's program activities, policies, procedures and program goals. This annual review and evaluation shall be documented.

(4) Adopt written program goals and objectives, including measurable anticipated outcomes.

(5) Develop and document the organizational structure.

(6) Administer funds needed to meet the written program goals and objectives.

(7) Develop, review and approve the annual budget and its modifications. These activities shall be documented.

(8) Develop and maintain written personnel policies for all staff.

(9) Develop written policies prohibiting discrimination against residents, prospective residents and all staff on the basis of age, race, sex, religion, handicap or disability, ancestry and ethnic origin, economic status or sexual preference, subject to applicable State and Federal statutes, including Chapter 5100 (relating to mental health procedures), section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794) and the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213).

(10) Develop written policies to maintain a clean, healthful and therapeutic environment.

(11) Document provisions made to meet the laundry, food service, housekeeping and maintenance requirements of this chapter.

(12) Oversee the provision of services specified in this chapter.

(13) Adopt written policies for the operation of the LTSR which shall include:

(i) The protection of residents' rights as set forth in §§ 5100.51—5100.56 (relating to patient rights).

(ii) A resident grievance procedure guaranteeing a written response to the resident by the program director when informal methods of resolving complaints are unsuccessful.

(iii) Site specific policies and schedules for fire and emergency evacuation drills.

(iv) Medication policies consistent with § 5320.53 (relating to medication).

(v) Policies covering the investigation and reporting of allegations of resident abuse.

(14) Develop written policies regarding the resident/provider contract as specified in § 5320.33 (relating to resident/provider contract; information on resident rights).

(15) Review and document reported allegations of violations of resident rights in the LTSR and report the results of the review to the county administrator.

(16) Maintain copies of policies applicable to the LTSR onsite, and make them readily available to residents, family members and visitors.

(17) Comply with § 5100.11(a) (relating to adequate treatment), which requires compliance with other relevant statutes, regulations and professional standards.

(18) Comply with this chapter when there is a conflict or inconsistency with the provision of any other regulation.

§ 5320.23. Access.

The provider shall permit community legal services, advocacy groups, mental health consumer and family organizations and authorized Federal, State or local government agents reasonable access to the facility and its residents. The provider shall review requests by generic community service organizations to access the facility on a case-by-case basis.

§ 5320.24. Access by Pennsylvania Protection and Advocacy.

The provider shall permit access by employes and legal counsel of Pennsylvania Protection and Advocacy (PPA) to the facility and its records, residents and staff under the Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1988 (42 U.S.C.A. §§ 10801—10851).

§ 5320.25. Provider records.

Provider records shall, at a minimum, contain copies of the following:

- (1) Required inspection reports, certifications or licenses by State and local agencies.
- (2) Contracts with outside service providers.
- (3) Affirmative action and nondiscrimination policies.
- (4) Policies and procedures required by this chapter.
- (5) Preemployment and biennial physical examinations and screening results for direct-care and dietary support staff. These shall be kept in a separate confidential file.
- (6) Job descriptions for all staff.
- (7) Credentials or qualifications of direct-care staff as required by this chapter and evidence of verification of credentials.
- (8) Records of all staff orientation and training as required under § 5320.45 (relating to staff orientation and training).
- (9) Staff work schedules, including payroll records and time sheets.
- (10) Provider/resident contracts as described in § 5320.33 (relating to resident/provider contract; information on resident rights).
- (11) The LTSR's "house" rules.
- (12) A schedule of allowable resident fees or charges signed, as approved, by the county administrator or a designee. The County Administrator/Provider Letter of Agreement shall include a definition of the service items included in the per diem cost of care, including room and board, treatment, rehabilitation and personal care services, personal hygiene items and laundry services. See § 5320.11(3) (relating to prerequisites to licensure).
- (13) Resident activity schedules. Current schedules shall be posted in a resident accessible area and outdated schedules shall be kept in provider records for 1 year.
- (14) Other records mandated by Federal, State and local statutes and regulations.

§ 5320.26. Confidentiality.

Providers of LTSR services shall be responsible for ensuring that confidentiality of individual mental health records is maintained in accordance with §§ 5100.31—5100.39 (relating to confidentiality of mental health records).

Subchapter D. ADMISSION AND RESIDENT/PROVIDER CONTRACT

- Sec.
 5320.31. Admission criteria.
 5320.32. Admission authorization.
 5320.33. Resident/provider contract; information on resident rights.

§ 5320.31. Admission criteria.

To be eligible for admission to an LTSR, a prospective resident shall:

- (1) Be 18 years of age or older.

(2) Have had a physical examination and psychiatric evaluation not more than 6 months prior to application.

(3) Qualify for voluntary treatment under section 201 of the act (50 P.S. § 7201), or involuntary treatment under section 304, 305 or 306 of the act (50 P.S. §§ 7304—7306).

(4) Have a physician's certification that the applicant does not require hospitalization, nursing facility care or a level of care more restrictive than an LTSR, written within 30 days before admission.

(5) Evidence a severe psychosocial disability as a result of serious mental illness that indicates a less restrictive level of care as inappropriate.

§ 5320.32. Admission authorization.

A person will not be admitted without an assessment and admission authorization. The provider shall ensure that the written assessment and admission authorization includes:

- (1) Approval by the county administrator.
- (2) An assessment of the prospective resident's needs by the referring entity prior to admission. The assessment will include, at a minimum, the mental, physical and social needs of the prospective resident.

§ 5320.33. Resident/provider contract; information on resident rights.

(a) Within 24 hours of a resident's admission, the provider shall develop a written contract with the resident that meets the minimum requirements listed in subsection (b). The provider shall explain the contents of the contract to the resident and designated person, if any. The provider shall sign the contract and shall request the resident's signature. If the resident refuses to sign, the provider shall document the attempts made to secure the resident's signature. The provider shall ensure that the resident's refusal to sign has no bearing on the treatment or services subsequently provided.

(b) The resident/provider contract shall include, at a minimum, the following:

- (1) The actual amount of allowable resident charges for each service or item.
- (2) The party responsible for payment.
- (3) The method for payment of long distance or collect charges for telephone calls.
- (4) The conditions under which refunds will be made.
- (5) The financial arrangements if assistance with financial management is to be provided.
- (6) Limits on access to personal funds.
- (7) The LTSR "house rules."
- (8) The conditions under which the contract may be terminated, including cessation of operation of the LTSR.
- (9) A statement that the resident is entitled to at least 30 days' advance notice, in writing, of the provider's intent to change the contract.

(c) Residents may be responsible for the cost of services or items not included in the per diem cost of care if these items are furnished at the request of the resident.

(d) In conjunction with explaining the contract, the provider shall give, and explain to, the resident written information on the resident's rights, on grievance procedures and on access to advocates, as specified at § 5100.52 (relating to statement of principle).

Subchapter E. REQUIREMENTS FOR DIRECT-CARE AND SUPPORT STAFF

Sec.

- 5320.41. Physical examinations.
- 5320.42. Staffing levels.
- 5320.43. Program director and direct-care staff qualifications.
- 5320.44. Staff supervision.
- 5320.45. Staff orientation and training.
- 5320.46. Interdisciplinary treatment team.

§ 5320.41. Physical examinations.

The provider shall require and document preemployment and biennial physical examinations for direct-care and support staff to include screening for:

- (1) Tuberculosis
- (2) Hepatitis

§ 5320.42. Staffing levels.

The provider of LTSR services shall:

(1) Retain staff having an appropriate combination of education, work experience and training to meet the special needs of the population being served so that the service and program standards of this chapter are maintained.

(2) Retain full-time staffing levels sufficient to provide active treatment, psychosocial rehabilitation and 24-hour supervision on weekdays, weekends and holidays.

(3) Have a minimum of two direct-care staff persons awake and on duty within the LTSR whenever 10 to 16 residents inclusive are on the premises. A third direct-care staff person shall be either onsite or available to respond onsite within 30 minutes.

(4) Have a minimum of two direct-care staff, awake and on duty within the LTSR whenever fewer than 10 residents are on the premises.

(5) Have sufficient psychiatric time available to meet the psychiatric needs of the resident. At least 1/2 hour of psychiatric time per resident per week is required.

(6) Employ the program director on a full-time basis.

(7) Employ a mental health professional as provided in § 5320.43(b) (relating to program director and direct-care staff qualifications) onsite for at least 8 out of every 24 hours. This requirement may be met by the presence of the program director.

(8) Employ substitute staff with equivalent qualifications when staff are absent so that minimum direct-care staffing requirements are always met.

(9) Have direct-care staff certified in CPR and first aid on duty 24 hours a day.

§ 5320.43. Program director and direct-care staff qualifications.

(a) The program director shall:

(1) Have a Master's degree in a generally recognized clinical discipline and 2 years of mental health clinical experience.

(2) Be registered, licensed or certified to practice his profession, if that profession is governed by a registration, licensing or certification board in this Commonwealth.

(b) A mental health professional shall:

(1) Have a Master's degree or higher in a generally recognized clinical discipline and 1 year of mental health clinical experience.

(2) Be registered, licensed or certified to practice in his profession, if that profession is governed by a licensing board in this Commonwealth.

(c) A mental health worker shall be a person who has completed 12 semester hours of college training in a mental health related field or has at least a high school diploma or equivalency and 6 months of formal training in mental health or a related field.

§ 5320.44. Staff supervision.

The program director shall oversee supervision of the staff, including:

- (1) Maintenance and review of resident care records.
- (2) Annual evaluations of job performance.
- (3) Orientation and training programs.

§ 5320.45. Staff orientation and training.

The program director shall oversee orientation and training of the staff, including:

(1) In-service and out-service training relevant to the needs of the population being served by the facility.

(2) A written policy for orientation and training of direct care and support staff according to the following criteria:

(i) Full-time staff, defined as working 30 hours per week or more, shall receive a minimum amount of orientation as follows:

- (A) Direct care staff—20 hours.
- (B) Support staff—4 hours.

(ii) Regularly scheduled part-time staff, defined as working less than 30 hours per week, shall receive a minimum amount of orientation as follows:

- (A) Part-time direct care staff—10 hours.
- (B) Part-time support staff—2 hours.

(3) Written documentation that an orientation program includes the following topics:

- (i) Program philosophy, mission statement, goals and objectives.
- (ii) Review and update of all policies and procedures.
- (iii) Infection control including universal precautions, risk reduction and HIV education.
- (iv) Confidentiality.
- (v) Safety, fire safety and evacuation procedures.
- (vi) Resident rights as specified at §§ 5100.51—5100.56 (relating to patient rights).
- (vii) Conflict resolution (direct-care staff only).
- (viii) Crisis prevention, management and reporting.
- (ix) Abuse prevention and reporting.
- (x) An overview of the main effects and side effects of medication (direct-care staff only).
- (xi) Interdisciplinary treatment process and treatment planning (direct-care staff only).
- (xii) Quality improvement and service utilization (direct-care staff only).
- (xiii) Documentation and reporting mechanisms (direct-care staff only).

(4) Written documentation that ongoing training includes review and update of all policies and procedures including those listed under topics for orientation.

(5) Orientation shall be completed before the direct-care staff has independent, unsupervised, interaction with residents.

§ 5320.46. Interdisciplinary treatment team.

(a) The interdisciplinary treatment team shall be comprised of at least three mental health professionals who are appointed by the program director and who are involved in the resident's treatment. At least one member of the treatment team shall be a physician. The other members shall represent different clinical disciplines.

(b) The director of the interdisciplinary treatment team shall be appointed by the program director and be a physician or a licensed psychologist with a clinical background. The program director may serve as one of the three members of the treatment team. The director of the interdisciplinary treatment team shall be responsible for:

(1) Assuring that the resident, and the resident's family if the resident consents, is involved in the treatment planning process. The director shall document efforts to maintain this involvement and the results of these efforts.

(2) Implementing and reviewing the treatment plan and coordinating treatment service delivery with service providers.

(3) Utilizing external specialty consultants when needed.

(4) Assuring that direct-care staff and consulting professionals participate in the development, implementation and review of the treatment plan and that they have credentials in the use of the modalities proposed in the plan.

Subchapter F. THERAPEUTIC PROGRAM

- Sec. 5320.51. Treatment plan.
- 5320.52. Review and periodic reexamination.
- 5320.53. Medication.
- 5320.54. Seclusion and restraints.

§ 5320.51. Treatment plan.

The interdisciplinary treatment team shall:

(1) Complete an initial assessment, on admission by the interdisciplinary team of the resident's mental, physical and social needs including a mobility assessment.

- (i) Reflect the reason for the resident's admission.
- (ii) Indicate what less restrictive alternatives to an LTSR were considered and why they were not utilized.

(2) Develop an initial treatment plan, within 72 hours, based on the initial assessment by the interdisciplinary team.

(3) The plan, developed with the participation of the resident or a designee, shall identify the problem areas, initial goals and objectives for the resident to meet, modalities of treatment, and responsible staff indicated in helping the resident meet their goals.

(4) Develop a comprehensive treatment plan within 10 days of admission. The plan shall:

- (i) Be formulated, to the extent feasible, with the participation of the resident. With the resident's consent, designated persons could participate in the planning process.
- (ii) Be based upon diagnostic evaluation of the resident's medical, psychological, social, cultural, behavioral, familial, educational, vocational and developmental strengths and needs.

(iii) Set forth measurable, time limited treatment goals and objectives and prescribe an integrated program of therapies, activities, experiences and appropriate education designed to meet these goals and objectives.

(iv) Specify the person responsible for carrying out the modalities described in the plan.

(v) Result from the collaborative recommendation of the resident's interdisciplinary treatment team.

(vi) Be easily understood by a lay person and a copy of the current treatment plan shall be available for review by the person in treatment.

(vii) Address major psychiatric, psychosocial, medical, behavioral and rehabilitative needs of the resident and the manner in which they are to be met, including those needs to be addressed by contractors who are not employed by the LTSR.

§ 5320.52. Review and periodic reexamination.

The interdisciplinary treatment team shall review treatment plans at least every 30 days or more frequently as the resident's condition changes. A report of the review and findings and the resident's progress toward meeting program goals and objectives shall be documented by the interdisciplinary team in the resident's record.

(1) The interdisciplinary treatment team shall maintain a record of each reexamination and review to include:

- (i) A report of the reexamination.
- (ii) A brief description of the treatment provided to the person during the period preceding the reexamination and the results of that treatment.

(iii) Continuation or revision of the individual treatment plan for the next period.

(iv) Criteria for discharge and recommendation for discharge if these criteria have been met.

(2) Changes to the treatment plan and the reasons for the changes shall be made by the interdisciplinary treatment team and recorded in the resident's record as a progress note or on another form specifically designed for that purpose.

(3) The record shall include information required by § 5100.16 (relating to review and periodic reexamination).

(4) Reassessment of each resident's mental, physical and social needs, including a mobility assessment as follows:

- (i) Annually.
- (ii) If the condition of the resident materially changes prior to the annual assessment.

(iii) At the request of the county administrator or the Department if there is cause to believe that an additional assessment is required.

§ 5320.53. Medication.

(a) The provider shall establish and implement written medication policies and procedures that conform to Pennsylvania law. Medication administration policies and procedures shall address:

- (1) How the education of residents regarding their medication will be accomplished.
- (2) How residents who need assistance with medication prescribed by a physician for self-administration receive it.

(i) For residents who need assistance, the least assistance necessary should be provided within the context of a planned program toward self-administration of medication.

(ii) Assistance with self-medication including handling the medication containers or taking medication out of its container for the resident is considered medication administration and shall be done by licensed medical staff.

(3) How medications and treatments shall be administered by the licensed medical staff person who prepared the dose for administration.

(4) Documentation of the written orders provided by the attending physician for each resident receiving medication.

(5) Recording of physicians' orders in each resident's clinical record that is reviewed, renewed and signed by the physician every 30 days.

(6) Documentation of the reason a prescribed medication was not given and notice of same to the prescribing physician.

(7) The taking and recording of telephone orders by only licensed medical staff, pharmacists or other individuals authorized by law to accept a physician's telephone orders for medication.

(i) Oral orders are recorded immediately on the resident's record, dated and signed by the person receiving the order.

(ii) Oral orders are countersigned by the prescribing physician within 48 hours.

(8) Training by a physician or other licensed medical staff person that will cover, at minimum, medications used by the residents, their purposes and function, major side effects and recognition of signs that the medication is not being taken or is being misused.

(b) The circumstances under which the provider stores medication for residents shall include the following limitations:

(1) Only medications which are prescribed for self-administration or that will be administered by an individual appropriately licensed to administer medication is stored in the LTSR.

(2) Medications stored in the LTSR are kept in a locked container in a locked room.

(3) Each prescription medication ordered for a resident is kept in the original prescription container labeled by the dispensing pharmacist for the sole use of the resident.

(4) If over-the-counter drugs are maintained in the facility, they will bear the original label and the name of the resident for whom the drug is ordered.

(c) Pharmaceutical services shall include:

(1) A written quarterly review of the drug regimen of each resident by a licensed pharmacist and the findings submitted to the program director and prescribing physicians.

(2) A pharmacist or licensed medical staff annual review of the provider's medication policies and procedures including inspection of the medication storage areas. A written report of the review including inservice training recommendations, if any, is submitted to the program director.

(3) A policy developed or approved by a pharmacist that specifies the disposition of discontinued, unused, outdated or deteriorated medication.

(4) A written procedure for accessing pharmaceutical services on an emergency basis.

§ 5320.54. Seclusion and restraints.

(a) The use of seclusion is prohibited in LTSRs.

(b) The use of restraints for behavior management is prohibited in LTSRs.

(c) The use of restraints to promote body alignment, positioning and physical functioning is allowable in an LTSR only when the following conditions are met:

(1) The requirements of § 13.4 (relating to use of restraints to control involuntary movement due to organic causes or conditions).

(2) State or local standards for hospital, nursing home and residential care occupancy governing these facilities when a resident's mobility is compromised by the use of this type of restraint. See, for example, 28 Pa. Code Part IV (relating to health facilities); 34 Pa. Code Chapters 49—59, National Fire Protection Agency related to institutional occupancy (current applicable standards of Life Safety Code) and equivalent standards of cities with 1st class status; and Chapter 5300 (relating to private psychiatric hospitals).

Subchapter G. PERSONAL CARE SERVICES/RESIDENT RECORDS

Sec.	
5320.61.	Tasks of daily living.
5320.62.	Personal care.
5320.63.	Resident funds.
5320.64.	Resident records.
5320.65.	Recordkeeping.

§ 5320.61. Tasks of daily living.

The direct-care staff shall provide residents with assistance and skill training in tasks of daily living as needed. These tasks include:

- (1) Securing transportation.
- (2) Shopping.
- (3) Making and keeping appointments.
- (4) Care of personal possessions.
- (5) Use of the telephone.
- (6) Use of interpersonal skills.
- (7) Self-care skills.
- (8) Use of social and leisure activities.
- (9) Securing health care.
- (10) Money management skills.

§ 5320.62. Personal care.

The direct-care staff shall provide residents with assistance and skill training in personal care, as needed, including the following:

- (1) Bathing.
- (2) Oral hygiene.
- (3) Hair grooming and shampooing.
- (4) Dressing and care of clothes.
- (5) Shaving.

§ 5320.63. Resident funds.

The provider shall develop written policies and procedures addressing:

(1) Costs and liabilities for service according to the Letter of Agreement between the LTSR provider and the county administrator, described in § 5320.11 (relating to prerequisites to licensure) and in the resident/provider contract described in § 5320.33 (relating to resident/provider contract; information on resident rights).

(2) Training for residents who require assistance in the management of their financial affairs.

(3) Maintenance of a separate and current individual record of financial transactions made on behalf of the resident that is available on request to the resident or the resident's designated person, if any.

(4) Financial assistance by the provider, which shall include:

(i) Written receipts and quarterly statements of transactions, deposits and expenditures made on behalf of residents as well as disbursement of funds. The provider shall obtain written acknowledgement by the resident of the receipt of funds.

(ii) Provisions for the availability to the resident of documented accounting of deposits, receipts of funds, dispersal of funds and the current balance.

(iii) Assistance with financial arrangements if a resident's accumulated cash assets (after per diem care costs) exceeds \$200. The provider shall notify the resident and offer assistance in establishing an interest-bearing account in the resident's name at a local financial institution protected by the Federal Deposit Insurance Corporation, or another appropriate arrangement indicated by the resident.

(iv) Transfer of the resident's funds and possessions to the administrator or the executor of the resident's estate, together with an itemized written account upon the death of a resident. A signed receipt shall be obtained and retained by the provider.

(v) Providing the resident with an itemized written account of funds upon termination of service. A balance remaining on the resident's account with the provider shall be immediately returned to the resident.

§ 5320.64. Resident records.

(a) The provider shall maintain individual resident records which shall be reviewed by the resident or a designee and the Department or its authorized agents upon request.

(b) The provider shall retain resident records for at least 4 years after the resident has left the LTSR.

(c) The provider shall divide the resident records into two sections: a clinical and nonclinical section.

(1) The clinical section of the resident records shall, at a minimum, contain the following information:

- (i) The resident's name.
- (ii) The resident's gender, race and ethnicity.
- (iii) The resident's birth date.
- (iv) The resident's Social Security number.

(v) The name, phone number and address of the designated person to be contacted in case an emergency, illness or injury, transfer, termination of service, or death occurs to the resident or in the case of LTSR closure.

(vi) The names and telephone numbers of the resident's personal physician and dentist, if any.

(vii) The dates of entrance into the LTSR, transfers and discharges.

(viii) The most recent annual physical examination.

(ix) The principal mental health diagnosis as designated in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, (DSM IV) or most recent edition available from the American Psychiatric Association, 1700 18th Street, NW, Washington, D.C. 20009. The International Classification of Diagnoses, Clinical Modification (ICD-9-CM), available from HCIA, Inc., 300 East Lombard Street, Suite 1500, Baltimore, Maryland 21202, telephone (800) 568-3282, shall be used for the purpose of classifying diseases.

(x) A copy of the resident's treatment plan and progress notes describing the treatment and rehabilitative services provided with the resident's response to those services as well as reviews and periodic reexaminations.

(xi) A copy of the written contract between the provider and the resident.

(xii) Physicians' orders for medication to be administered at the LTSR as well as other medical orders to be carried out at the LTSR, and records of medication administration.

(xiii) The initial assessment and most recent update.

(xiv) Dietary restrictions, if any.

(2) The nonclinical section of the resident records shall, at a minimum, contain the following information:

(i) An inventory of the personal property, except consumable items, which the resident brings to the LTSR.

(ii) An inventory of the resident's property entrusted to the provider for safekeeping.

(iii) The financial records of the resident receiving assistance with financial management.

(iv) The reason for the termination of services, or transfer of the resident or reason for death, as applicable, to be included as part of a discharge summary.

(v) Documentation of the resident's current commitment status.

(vi) Written authorization for admission signed by the county administrator.

§ 5320.65. Recordkeeping.

Provision of services and the resident's progress toward treatment goals shall be documented by direct-care staff completing a progress note in the resident's record at least weekly, or more often as warranted by specific changes in the resident's behavior status. Additionally, special treatment interventions ordered in the treatment plan shall be documented by the direct-care or consulting direct-care staff authorized to provide the special treatment on a monthly basis or more frequently if warranted.

Subchapter H. QUALITY IMPROVEMENT/SERVICE UTILIZATION

- Sec. 5320.71. Quality improvement program.
- 5320.72. Indicators for duration of stay.
- 5320.73. Ancillary support services.
- 5320.74. Health services.

§ 5320.71. Quality improvement program.

The provider shall have a written quality improvement (QI) plan and program that the program director reviews for the quality and appropriateness of services provided and monitors for compliance with standards of treatment and care. The plan shall:

(1) Specify who has responsibility for QI activities, to whom findings are reported, the frequency of reviews,

what critical indicators are to be evaluated and acceptable levels for the critical indicators.

(2) Have indicators of quality care that include at least the following:

- (i) The level of resident satisfaction and program input.
- (ii) The level of family satisfaction and program input.
- (iii) Appropriateness, completeness, timeliness and implementation of the treatment plans.
- (iv) Case and trend review of crisis events and unusual situations.
- (v) Direct-care staff performance.
- (vi) Clinical case or peer reviews, quarterly or more often as indicated.
- (vii) Medications management, including errors and adverse effects.
- (viii) The appropriate documentation in the resident's record.

(3) Include the names of the individuals who participated in the quality improvement activities and plans of correction.

§ 5320.72. Indicators for duration of stay.

Decisions which determine the duration of stay shall take into account:

- (1) The resident's needs, therapeutic requirements and recommendations of the interdisciplinary treatment team.
- (2) The commitment status of the resident.
- (3) Measurable indicators established by the provider that address expectations in the following areas in determining resident duration of stay.
 - (i) Resident and program outcomes.
 - (ii) Stability of the resident's psychiatric condition.
 - (iii) Stability of the resident's medication regime.
 - (iv) The length of time without the need for acute psychiatric interventions.
 - (v) The attainment of treatment goals.
 - (vi) Successful trial leaves.
 - (vii) The establishment of a support system.
 - (viii) A plan for continuity of care.

§ 5320.73. Ancillary support services.

The provider shall either directly or through arrangement, provide services needed by the residents. To provide services that are not available at the LTSR, the provider shall:

- (1) Collaborate with the county administrator's office case management services, and other programs to provide services as identified by the treatment plan and to ensure continuity of care.
- (2) Ensure that transportation is available for residents who must be transported for services, recreation and other activities.

§ 5320.74. Health services.

The LTSR provider shall:

- (1) Develop written arrangements for providing routine and emergency medical and dental care for residents.
- (2) Notify the resident's designated person and the county administrator or a designee who shall ensure whatever assistance is necessary in making arrangements

for the resident's transfer to an appropriate facility. A physician shall determine if the resident's physical condition indicates the need for a transfer to a hospital, nursing home or rehabilitation center.

(3) Have first aid supplies available and adhere to current Centers for Disease Control and the Department of Health's recommendations for universal precautions in the administration of first aid and CPR.

Subchapter I. BUILDING, FIRE PROTECTION, FURNISHINGS AND MAINTENANCE

Sec.

- 5320.81. Building, physical plant and grounds.
- 5320.82. Fire protection and safety.
- 5320.83. Living/sleeping quarters.
- 5320.84. Furnishings and equipment.
- 5320.85. Housekeeping and maintenance.
- 5320.86. Laundry service.

§ 5320.81. Building, physical plant and grounds.

(a) An LTSR may not house more than 16 residents. One provider who had been licensed/approved to operate an LTSR with bed capacity in excess of 16 prior to January 1, 1993, is exempt from this provision.

(b) An LTSR shall have the capacity to allow locks on entrances and exits to preclude elopement of involuntarily committed individuals and to prevent unauthorized entrance. Physical attributes of the facility that are intended to maintain necessary levels of protection shall be as unobtrusive as possible to maintain a home-like environment.

(c) The LTSR shall have an adequate supply of hot and cold water piped to each wash basin, bathtub/shower, kitchen sink, commercial dishwasher, and to laundry equipment. Hot water accessible to residents may not exceed 130°F at the outlets.

(d) Heating in rooms used by residents shall be maintained at a temperature of not less than 65°F or, when there are residents 65 years of age and older, not less than 70°F.

(e) Portable space heaters are prohibited. Space heaters shall be adequately vented and installed with permanent connections and protectors.

(f) Steam heat radiators and pipes in rooms and areas used by residents and within reach of residents shall be covered.

(g) Fireplaces shall be securely screened when in use.

§ 5320.82. Fire protection and safety.

(a) The program director shall arrange for the local fire department or another outside safety consultant to inspect and approve each LTSR site for fire safety and to determine the number, location and type of fire extinguishers and smoke detectors required. This fire safety inspection shall be done before initial occupancy and repeated at least every 2 years thereafter. Inspections shall be documented.

(b) Emergency telephone numbers for the fire department, local police and on-call direct care staff shall be posted at each telephone in the LTSR.

(c) The staff shall be instructed in the operation of the fire extinguishers.

(d) Residents may be permitted to smoke only in designated areas. Proper safeguards shall be taken against the fire hazards involved in smoking, such as providing ash trays.

(e) Fire drills at each LTSR site shall be documented and held at least every 2 months; night time drills shall be conducted semiannually.

§ 5320.83. Living/sleeping quarters.

(a) No more than two residents may be housed in any room regardless of its size.

(b) A single occupancy room shall have at least 80 square feet of floor space. Bedrooms for two persons shall have at least 60 square feet of floor space per person and have sufficient floor space to accommodate the items required in § 5320.84 (relating to furnishings and equipment). If a bedroom has a built-in closet, up to 9 square feet per closet may be counted in calculating the square footage of floor space. Bedrooms for one or more immobile residents may require additional square footage sufficient to accommodate the special needs of the resident, such as a wheelchair or special furniture or equipment.

(c) Bedroom windows shall have curtains, shades or blinds that cover the entire window when drawn.

(d) Residents shall have direct access to bathrooms, kitchens and other living areas without having to pass through the bedroom of another resident.

(e) Residents who are immobile shall be given bedrooms on the ground floor closest to the exit.

(f) Bunk beds or other raised beds of any type which require a resident to climb steps or ladders to get into or out of bed may not be used.

(g) Resident bedrooms are reserved for use by their occupants; they may not be used as common rooms for group activities.

(h) There shall be one tub or shower for every six or fewer residents. Each LTSR shall have at least one bathtub.

(i) Bathrooms shall be equipped with soap, toilet paper and sanitary towels or a hand blow dryer. Rack space shall be provided in the bathroom for personal towels. The use of common towels is prohibited.

(j) Toilet and bath areas shall have grab bars, hand rails and assist bars as needed. Tubs and showers shall have nonslip surfaces. Multiple toilets, bathtubs or showers in the same room shall be enclosed to provide privacy.

(k) Residents shall have the use of recreation or lounge areas which, in combination, shall be large enough to accommodate all residents at once. Lounge areas shall be equipped with adequate and appropriate seating, lighting sufficient for reading and tables. A working television and radio shall be available in at least one lounge area. The LTSR provider shall provide reading and recreational materials for residents.

§ 5320.84. Furnishings and equipment.

(a) Each resident's bedroom or bed area shall be equipped with the following items, which shall be clean and maintained in good repair:

- (1) A single or double bed with a mattress and firm box spring.
- (2) A bed pillow.
- (3) Bed linens and blankets.
- (4) Towels and wash cloths.
- (5) A chair.
- (6) A bedside table or shelf.
- (7) A bedside lamp.

(8) A towel bar.

(9) A dresser and mirror.

(10) A clothes closet or wardrobe.

(b) In two-bed bedrooms, items listed in subsection (a)(9) and (10) may be shared by two residents.

(c) The resident may furnish some or all of the items listed in subsection (a) and other personal possessions such as radios and televisions as space permits, unless the possession constitutes a hazard or interferes with the rights of other residents. Residents should be encouraged to personalize their bedrooms. LTSR house restrictions on the amount or type of personal furnishings permitted should be stipulated in the resident/provider contract.

(d) Space for storage of personal property, such as trunks, suitcases and seasonal clothing, shall be provided in a dry, protected area.

§ 5320.85. Housekeeping and maintenance.

(a) Furniture shall be arranged to provide for the safety and comfort of the residents and to permit quiet privacy zones and areas that foster social interactions.

(b) Furnishings and housekeeping shall be maintained so that the LTSR is comfortable, "home-like" and clean.

(c) Residents shall be encouraged to keep their bedrooms neat and tidy and to assist with cleanup of program areas after group or individual activities. The LTSR shall provide basic housekeeping, cleaning and maintenance of the physical plant.

(d) The LTSR shall be free of hazards, such as loose or broken window glass, loose or cracked floors and floor coverings, and cracked or loose plaster on walls or ceilings.

(e) Interior and exterior stairways shall have securely fastened handrails and nonskid surfaces. If present, stair coverings shall also be securely fastened.

(f) Exterior doors and windows opened for ventilation shall be screened.

(g) Appropriate vector control measures shall be used to keep the LTSR free from insects, rodents and other pests.

§ 5320.86. Laundry service.

Laundry service for bed linens, towels and personal clothing shall be provided unless otherwise indicated in the resident/provider contract, and shall meet the following requirements:

- (1) The supply of linen shall be sufficient to ensure a complete bed linen change at least once per week.
- (2) Clean linens shall be stored in an area separate from soiled linen and clothing. Soiled articles shall be kept in covered containers.
- (3) The provider shall take measures to ensure that the resident's clothing is not lost or misplaced in the process of laundering.
- (4) A washer and dryer shall be provided for resident use. Residents shall be encouraged and trained in their use to care for personal clothes.

Subchapter J. FOOD SERVICE

Sec.
5320.91. Food service.

§ 5320.91. Food service.

(a) Residents shall be provided with at least three well-balanced, nutritious meals daily. Snacks shall also be available.

(b) When a resident unavoidably misses a scheduled meal, the provider shall ensure that a substitute meal is provided to the resident.

(c) Special diets, dietary restrictions and supplements that are prescribed by the resident's physician shall be accommodated by the LTSR.

(d) Enough flexibility shall be built into mealtimes to accommodate the regular schedules of individual residents.

(e) The week's menu shall be prepared at least 7 days in advance. The current week's menu shall be posted in a resident accessible location.

(f) Meals shall be provided to residents in a dining room or dining area, except that service in the resident's room shall be available when clinically indicated.

(g) The dining area shall be furnished with sufficient tables and chairs to accommodate all residents at one sitting.

(h) Utensils used to prepare and serve food and beverages shall be free from chips and cracks.

(i) Food stored, prepared or served by the LTSR shall be clean and safe for human consumption and meet applicable Federal standards.

(j) Food returned from individual plates may not be reused or reserved.

(k) Refrigerators shall be maintained below 45°F.

Subchapter K. WAIVER OF STANDARDS

Sec.
5320.101. Waiver of standards.

§ 5320.101. Waiver of standards.

It is the policy of the Department that the licensees comply with applicable Departmental regulations to assure quality of care. The Department may, within its discretion and for good reason, grant waivers to specific requirements contained in this chapter. A waiver will be granted only when the health, safety and welfare of the residents and the quality of services provided to residents are not affected. The Department reserves the right to revoke a waiver if the conditions required by the waiver are not met.

[Pa.B. Doc. No. 96-287. Filed for public inspection March 1, 1996, 9:00 a.m.]

Title 58—RECREATION**GAME COMMISSION**

[58 PA. CODE CHS. 141 AND 147]

Turkey Management Areas and Falconry

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), on January 23, 1996, adopted the following amendments to 58 Pa. Code:

Amend Chapter 141, Appendix C (relating to Pennsylvania Turkey Management Areas), to provide for additional fall turkey hunting opportunities by dividing Turkey Management Area #9 into separate management areas and have them identified as Areas #9-A and #9-B. This split could then provide limited fall turkey hunting in a portion of Area #9 that has previously been closed to fall hunting. Area #9-B would then be limited to shotguns only for fall turkey hunting. The Commission additionally approved for final adoption, the split of Turkey Management Area #1 into Turkey Management Area #1-A and #1-B. Turkey Management Area #1-B will be that portion of Area #1 that includes all of Erie and Crawford Counties. The remainder of Turkey Management Area #1 will be designated as Turkey Management Area #1-A.

Amend § 147.113 (relating to falconry) to provide for a more positive reporting procedure to the Commission when raptors are transferred from one permittee to another in both intrastate and interstate transactions, as well as provide for consistent reporting procedures in the event of the death of a raptor.

These amendments are necessary to properly manage the wildlife resources of this Commonwealth and will have no adverse effect on the resources.

The amendment to Chapter 141, Appendix C has made public as a proposal at the June 20, 1995, meeting of the Commission and the amendments to § 147.113 were made public as a proposal at the October 3, 1995, meeting of the Commission. The notice of proposed rule-making was set forth at 25 Pa.B. 5248 (November 25, 1995).

*Amendment to Chapter 141, Appendix C**1. Introduction*

The Commission at its June 20, 1995, meeting proposed changing the boundaries of Turkey Management Area #9 and splitting it into two areas. At its January 23, 1996, meeting, the Commission voted to further change the proposed map to include a split of Turkey Management Area #1 into a Turkey Management Area #1-B which contains Erie and Crawford Counties and Turkey Management Area #1-A which would include the rest of the former Turkey Management Area #1. These changes are being made under 34 Pa.C.S. §§ 322(c) and 2102 (relating to specific powers and duties; and regulations).

2. Purpose and Authority

There is a sufficient population of wild turkeys in some parts of Turkey Management Area #9 to support a limited fall turkey season. As a consequence the Commission has changed the map in Chapter 141, Appendix C to split Turkey Management Area #9 into Areas #9-A and #9-B.

The Commission has also decided that the wild turkey populations in Erie and Crawford Counties are sufficiently abundant to permit an earlier start of the fall turkey season in those counties than in the rest of Turkey Management Area #1. Turkey Management Area #1 is therefore being split into Turkey Management Areas #1-A and #1-B.

Section 322(c)(4) of 34 Pa.C.S. authorizes the Commission to "define geographic limitations or restrictions." Section 2102(a) of 34 Pa.C.S. directs the Commission to promulgate regulations as it deems necessary or appropriate concerning game or wildlife. The amendments fall within these mandates.

3. *Regulatory Requirements*

These changes provide more flexibility in scheduling fall turkey hunting season in parts of Turkey Management Areas #1 and #9. These changes do not impose any additional requirements.

4. *Persons Affected*

Individuals wishing to hunt turkey in the affected management areas would need to recheck seasons. It is anticipated that recreational opportunities will be increased.

5. *Cost and Paperwork Requirements*

There will be no additional cost or paperwork resulting from the changes.

Amendment to § 147.113

1. *Introduction*

The Commission at its October 3, 1995, meeting proposed and at its January 23, 1996, meeting finally adopted amendments to § 147.113, to require permit holders to forward a copy of Form 3-186A to the Commission when a raptor is transferred. This change is adopted under 34 Pa.C.S. § 2901(b) (relating to regulations for permits).

2. *Purpose and Authority*

Section 147.113 currently requires the filing of Form 3-186A with the United States Fish and Wildlife Service (USFWS) upon the transfer or death of a raptor. USFWS normally provides a copy of the form to the Commission but it is often after a considerable delay. At a meeting between representatives of the Commission and the Pennsylvania Falconry and Hawk Trust, it was agreed that requiring a copy of Form 3-186A to be forwarded directly to the Commission would permit the Commission to maintain more current information. The amendment adds this requirement. Section 2901(b) of 34 Pa.C.S. authorizes the Commission to promulgate regulations to control activities performed pursuant to permit.

3. *Regulatory Requirements*

The amendment requires falconers to submit a copy of Form 3-186A directly to Commission within 5 calendar days of the transfer or death of a raptor.

4. *Persons Affected*

Falconers transferring or having a raptor die will be affected by this amendment.

5. *Cost and Paperwork Requirements*

The amendment will result in minimal additional cost to falconers for an extra copy of a form that must already be prepared, and some additional postage.

6. *Comment and Response Summary*

Comments were not received concerning the amendments.

7. *Effective Date*

These amendments are effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information on the amendments, the contact person is James R. Fagan, Director, Bureau of Law Enforcement (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Findings

The Commission finds that:

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 147, are amended by amending § 147.113 to read as set forth at 25 Pa.B. 5248 (November 25, 1995) and by amending Chapter 141, Appendix C to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 25 Pa.B. 5248 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director of the Commission shall certify this order, 25 Pa.B. 5248 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order amending Chapter 141, Appendix C and § 147.113 shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,
Executive Director

Fiscal Note: Fiscal Note 48-91 remains valid for the final adoption of the subject regulations.

RULES AND REGULATIONS

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

APPENDIX C

[Pa.B. Doc. No. 96-288. Filed for public inspection March 1, 1996, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CHS. 103, 108, 117 AND 125]

Personal Income Tax; Exempt and Nonexempt Income

The Department of Revenue (Department) by this order amends §§ 103.13, 103.16 and 117.18 (relating to net gains or income from disposition of property; interest; and return of information as to payment in excess of \$10), adds Chapter 108 (relating to distributions) and deletes Chapter 125 (relating to personal income tax pronouncements—statement of policy).

These amendments implement the act of December 3, 1993 (P. L. 473, No. 68) (Act 68) which makes taxable gains derived from dispositions of Federal, State and local obligations issued on or after February 1, 1994, and exempts from taxation exempt-interest dividends of investment companies. It also details the circumstances under which information returns would be required from investment companies, Subchapter S corporations and certain other organizations.

Section 103.13 has been amended by adding a new subsection (i) which details the determination of net gain or income with respect to obligations issued on or after February 1, 1994. A new subsection (j) has been added which details adjustments to basis. Paragraph (1) describes adjustments to the basis of a debt instrument in the hands of the holder for taxable years beginning on or after January 1, 1993. Paragraph (2) describes adjustments to the basis for an obligation issued by the Commonwealth, a public authority, commission, board or other agency created by the Commonwealth, a political subdivision of the Commonwealth or a public authority created by the political subdivision or an obligation exempt from tax under the laws of the United States in the hands of the holder.

Section 103.16(a) has been amended to provide that interest includes any charge for the use or detention of money or for a forbearance from enforcement of a debt that is due, whether or not payable as such or as principal. In addition, for taxable years beginning on or after January 1, 1993, interest shall also include any excess of a publicly offered obligation's stated redemption price at maturity over the first price at which a substantial amount of the obligations included in the issue is sold to the public. A new subsection (f) has been added which details unstated or imputed interest for taxable years beginning on or after January 1, 1993.

The Department has also added a new Chapter 108. The chapter is divided into three sections, each detailing rules relating to distributions for different entities. Section 108.1 relates to distributions by corporations, § 108.2 relates to distributions by business trusts and § 108.3 relates to distributions by investment companies.

Section 117.18 has been amended by adding a subsection (b) which provides that a Pennsylvania information return for recipients of dividends and other taxable or nontaxable distributions on shares of stock or beneficial interests shall be made by certain entities. A new subsection (c) sets forth the various ways in which a Pennsylvania information return can be made. A new subsection (d) provides that, unless an extension is granted by the Department on or before February 29 of each calendar year beginning on or after January 1, 1997, an information return shall be furnished to each recipient of distri-

butions who makes a written request or who is a resident individual, estate or trust or other taxpayer, or an investment company. A new subsection (e) provides that an investment company, corporation, association, business trust or personal holding company may rely on its business records in determining the identity and place of residence of recipients.

On May 6, 1994, the Department published a statement of policy relating to exempt and nonexempt income. This statement of policy was codified at §§ 125.11—125.15. With the adoption of these subject amendments, this statement of policy will no longer be necessary and is therefore being deleted.

Notice and Comments

Notice of proposed rulemaking was published at 24 Pa.B. 3538 (July 23, 1994). This proposal is being adopted with changes as set forth in Annex A.

The Department received four comments from the public during the public comment period. In addition, the Department received comments from the Independent Regulatory Review Commission (IRRC). No comments were received from the House and Senate Finance Committees.

Generally, the comments expressed concerns in the following two areas:

(1) The proposed § 117.18(c) provided that a Pennsylvania information return shall be made on Federal Form 1099-DIV, "U. S. Information Return for Recipients of Dividends and Distributions" containing the statement "FOR PA TAX PURPOSES ONLY" or other form acceptable to the Department. Paragraphs (1)—(3) set forth those items of information that the return shall show. Those who commented on the proposed amendments generally felt that this requirement would impose an undue administrative burden and cost on investment companies and others. The suggestion was made to amend § 117.18(c)(3) to permit those who are required to provide a Pennsylvania information return to provide taxpayers with simple instructions on how to calculate the information required under subsection (c)(3) from year-end reports when appropriate.

One comment raised the concern of whether the Department could require that changes be made to a Federal form in light of the fact that only the Federal government may authorize changes to its forms. In addition, a comment also stated that Federal Form 1099-DIV statements are not issued to investors whose dividend distributions were derived solely from state and local governments and public financing authorities.

(2) Those who commented on the proposal also felt that the proposal should be amended to clarify that Pennsylvania information returns will only be required to be sent to taxpayers utilizing a Pennsylvania mailing address.

In addition, IRRC also suggested that the Department set forth an effective date which would give everyone at least 90 days from the effective date of this rulemaking to develop and distribute the information forms. IRRC also recommended that a compliance deadline be set forth in the regulation.

In response to the comments received as well as a further review of the proposal, the following revisions have been made:

(1) Section 117.18(b) has been amended by adding the phrase "or beneficial interests" and deleting the phrase "one or more" and replacing it with the word "any." These

amendments have been made for the purpose of clarifying who must actually file a Pennsylvania information return.

(2) Paragraph (2) under § 117.18(b) has been amended by deleting the phrase "Federal Internal Revenue Code Subchapter S" and adding the phrase "that has an election in effect pursuant to 26 U.S.C.A. § 1362 (relating to election; revocation; termination)." This statutory citation is the section which provides the authority for corporations to elect Federal Subchapter S treatment.

(3) Section 117.18(c) has been amended by dividing the proposed language, as well as amending it, into paragraph (1) and subparagraphs (i)—(iii) and by adding language at paragraphs (2) and (3).

In response to the comments received, language relating to making the Pennsylvania information return on the Federal Form 1099-DIV has been deleted from § 117.18(c)(1) and replaced with a new Pennsylvania Form 99-DIV entitled "Information Return for Recipients of Dividends and Distributions." A Pennsylvania information return could also be made on a form other than the Pennsylvania Form 99-DIV if the form shows the following:

1. The payer's name, address and Federal identification number.
2. The recipient's name, address and Federal identification number.
3. The amount of dividends, nontaxable distributions and Pennsylvania exempt-interest dividends paid.

Consistent with suggestions set forth in comments received, the new paragraph (2) under § 117.18(c) clarifies that when a regulated investment company furnishes Federal Form 1099-DIV to a recipient in compliance with Federal income tax requirements, a Pennsylvania information return may be made by attaching a separate statement showing the ratio of Pennsylvania exempt-interest dividends paid to total ordinary dividends reported on the Federal form.

Also consistent with suggestions made in comments the Department received, a new paragraph (3) under § 117.18(c) provides that when a regulated investment company is not required to furnish Federal Form 1099-DIV, a Pennsylvania information return may be made by separate statement showing the amount of dividends, nontaxable distributions and Pennsylvania exempt-interest dividends paid.

A new subsection (d) has been added to § 117.18 which provides that, unless an extension is granted by the Department on or before February 28 of each calendar year beginning on or after January 1, 1997, an information return shall be furnished to each recipient of distributions who makes a written request therefor or who is a resident individual, estate or trust or other taxpayer, or an investment company. This new subsection answers questions regarding who must be furnished an information return.

In response to comments received, a new subsection (e) has been added to § 117.18 which provides that an investment company, corporation, association, business trust or personal holding company may rely on its business records in determining the identity and place of residence of recipients.

When appropriate throughout § 117.18, the term "investment" was added to modify the term "company." This addition merely clarifies the Department's proposed language.

Finally, the Department is deleting Chapter 125, §§ 125.11—125.15. Upon adoption, these amendments will supersede the statement of policy; therefore, the statement of policy should be deleted. The statement of policy provided guidance with regard to the Department's interpretation of Act 68 until a regulatory package could be adopted.

Fiscal Impact

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

Paperwork

The amendments will generate additional paperwork for certain organizations. These organizations are ones whose shareholders, because of differences between the Federal Income Tax and the Pennsylvania Personal Income Tax, need additional information to accurately report their personal income. These organizations include Subchapter S corporations that are not PA S corporations, personal holding companies, foreign corporations and some investment companies. The additional paperwork will enable their investors to comply with their own reporting requirements.

In addition, there will be additional paperwork costs for the Commonwealth in providing the Pennsylvania Form 99-DIV "Information Return for Recipients of Dividends and Distributions" to Pennsylvania taxpayers.

Effectiveness/Sunset Date

The amendments will become effective upon final publication in the *Pennsylvania Bulletin*. The regulations will be monitored annually. A sunset date has not been assigned.

Contact Person

The contact person for an explanation of the amendments is Anita M. Doucette, Office of Chief Counsel, PA Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Authority

The amendments are adopted under section 354 of the Tax Reform Code of 1971 (code) (71 P. S. § 7354). Section 354 of the code specifically authorizes and empowers the Department to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of and the collection of taxes imposed by Article III of the code (71 P. S. §§ 7301—7361).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 13, 1994, the Department submitted a copy of the notice of proposed rulemaking, published at 24 Pa.B. 3538, to IRRC and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance, for review and comment. In compliance with section 5(b.1) 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, the Committees and the public.

These final-form regulations were deemed approved by the Committees on January 9, 1996, and were approved by IRRC on January 18, 1996, in accordance with section 5(c) of the Regulatory Review Act.

Findings

The Department finds that:

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

(2) The amendments are necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

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

(a) The regulations of the Department, 61 Pa. Code Chapters 103, 117, 108 and 125, are amended by amending §§ 103.13, 103.16 and 117.18; by adding §§ 108.1—108.3; and by deleting §§ 125.11—125.15 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

ROBERT A. JUDGE, Sr.,
Secretary

(Editor's Note: The deletion of §§ 125.11—125.15 was not included in the proposal at 24 Pa.B. 3538.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 548 (February 3, 1996).)

Fiscal Note: Fiscal Note 15-346 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 103. IMPOSITION AND DETERMINATION OF TAX

Subchapter B. DETERMINATION OF TAX

§ 103.13. Net gains or income from disposition of property.

* * * * *

(i) *Determination of net gain or income.* For purpose of determining net gains or income from the disposition of property, gain or loss shall be recognized on the sale, exchange or other disposition of obligations issued by the Commonwealth, a public authority, commission, board or other agency created by the Commonwealth, a political subdivision of the Commonwealth or a public authority created by the political subdivision or exempt from State taxation under the laws of the United States only with respect to obligations issued on or after February 1, 1994. Regardless of the obligation's date of issuance, gain or loss shall be recognized on the sale, exchange or other

disposition of obligations issued by the Commonwealth, a public authority, commission, board or other agency created by the Commonwealth, a political subdivision of the Commonwealth or a public authority created by the political subdivision or exempt from State taxation under the laws of the United States for one or more of the following purposes:

- (1) Computing earnings and profits.
- (2) Adjusting basis.
- (3) Determining an individual's poverty income.
- (j) *Adjustments to basis.*

(1) For taxable years beginning on or after January 1, 1993, the basis of a debt instrument in the hands of the holder shall be adjusted upward by the amount of unstated or imputed interest includible in the income of the holder and shall be adjusted downward, but not below zero, by the amount of any payment under the debt instrument other than a payment of stated interest.

(2) The basis of an obligation issued by the Commonwealth, a public authority, commission, board or other agency created by the Commonwealth, a political subdivision of the Commonwealth or a public authority created by the political subdivision or an obligation exempt from tax under the laws of the United States in the hands of the holder shall be adjusted upward by the amount of unstated or imputed interest that would have been includible in income but for its statutory exemption and shall be adjusted downward, but not below zero, by the amount of any payment under the debt instrument other than a payment of stated interest.

§ 103.16. Interest.

(a) *Generally.* Interest includes any charge for the use or detention of money or for a forbearance from enforcement of a debt that is due, whether or not payable as such or as principal, including, for taxable years beginning on or after January 1, 1993, any excess of a publicly offered obligation's stated redemption price at maturity over the first price at which a substantial amount of the obligations included in the issue is sold to the public. For this purpose, the public does not include bond houses, brokers or other persons or organizations acting in the capacity of underwriters or wholesalers. As a general rule, interest received by or credited to the taxpayer constitutes gross income and is fully taxable. Interest income includes interest on savings or other bank deposits; interest on coupon bonds; interest on an open account, promissory note, mortgage or corporate bond or debenture; the interest portion of a condemnation award, usurious interest (unless by state law it is automatically converted to a payment on the principal); interest on legacies and life insurance proceeds held under an agreement to pay interest thereon; and interest on refunds of taxes.

(b) *Bonds bought when interest defaulted or accrued.* If a taxpayer purchases bonds where interest has accrued but has not been paid, interest which is in arrears but has accrued at the time of purchase is not income and may not be taxable as interest if subsequently paid. The payments are returns of capital which reduce the remaining cost basis. Interest which accrued after the date of purchase is taxable interest income for the year in which received or accrued, depending on the method of accounting used by the taxpayer.

(c) *Bonds sold between interest dates.* If bonds are sold between interest dates, part of the sale price represents interest accrued to the date of the sale and shall be reported as interest income.

(d) *Annuities.* Interest does not include amounts received under an annuity contract.

(e) *Government obligations.* Interest derived from obligations which are not statutorily free from state or local taxation under any other act of the General Assembly or under the laws of the United States is taxable under this section. Interest on obligations issued by or on behalf of the United States Government is not taxable under this section. Interest on obligations issued by the Commonwealth, a public authority, commission, board or other agency created by the Commonwealth, a political subdivision of the Commonwealth, or a public authority created by a political subdivision which is for the performance of essential governmental functions and which is in all respects for the benefit of the people of this Commonwealth, for the increase of their commerce and prosperity and for the improvement of their health and living conditions is not taxable under this subsection. Interest on obligations issued by other states and territories, their political subdivisions and instrumentalities is taxable under this section.

(f) *Unstated or imputed interest.* Unstated or imputed interest for a taxable year beginning on or after January 1, 1993, including interest derived from government obligations, shall be computed in the same manner as it is required to be computed for Federal Income Tax purposes.

CHAPTER 108. DISTRIBUTIONS

Sec.

- 108.1. Distributions by corporations.
108.2. Distributions by business trusts.
108.3. Distributions by investment companies.

§ 108.1. Distributions by corporations.

(a) That portion of a distribution paid or credited out of earnings and profits by a corporation to a taxpayer in his capacity as a stockholder shall be taxed as a dividend. The remaining portion shall be applied against, and reduce, the adjusted basis of the taxpayer's stock and, to the extent that it exceeds the adjusted basis of the stock, shall be taxed as a net gain from the disposition of intangible personal property.

(b) The amount of a distribution shall be the amount of money, and the fair market value of property determined as of the date of the distribution, received, reduced, but not below zero, by the amount of any liability of the corporation assumed by the stockholder in connection with the distribution and the amount of any liability to which the property received by the stockholder is subject immediately before, and immediately after, the distribution.

(c) The portion of a distribution that is paid or credited out of earnings and profits shall be determined in accordance with the following:

(1) Every distribution shall be deemed to be made out of earnings and profits to the extent thereof and from the most recently accumulated earnings and profits.

(2) If the current taxable year's earnings and profits equal or exceed the amount of distributions made on stock during the year, each distribution is wholly a dividend paid out of current earnings and profits.

(3) If the amount of distributions made on stock during the current taxable year exceeds the year's earnings and profits, the following apply:

(i) The year's earnings and profits shall be allocated proportionately to each distribution.

(ii) The remaining portion of each distribution is a dividend only to the extent of accumulated earnings and profits at the time the distribution is made.

(4) Income or gain that is taxable under, as well as income or gain that is exempt from, or not taxable under, this article shall be included in computing earnings and profits.

§ 108.2. Distributions by business trusts.

A distribution paid or credited to a taxpayer in its capacity as an interest holder by a business trust is treated in the same manner as a distribution by a corporation to its stockholders.

§ 108.3. Distributions by investment companies.

(a) *Investment company.* For purposes of this section, the term "investment company" includes the following:

(1) A regulated investment company, as defined in 26 U.S.C.A. § 851 (relating to the definition of regulated investment company).

(2) An incorporated or unincorporated enterprise registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80b-21).

(3) An investment company which has no or only limited powers under its governing instruments to vary its investments.

(b) *Dividends and other distributions.* Except as provided in subsection (c), distributions paid or credited to their shareholders with respect to their shares by investment companies are taxed in the same manner as distributions by corporations to their stockholders.

(c) *Pennsylvania exempt-interest dividends.* If, for any taxable year beginning on or after January 1, 1993, the total amount of the distributions that, but for this subsection, would otherwise constitute taxable dividends exceeds the accumulated income account of the investment company, the excess shall constitute excludible Pennsylvania exempt-interest dividends and shall be allocated proportionately to each distribution.

(d) *Accumulated income account.* Each investment company shall establish and maintain an accumulated income account and shall cumulatively adjust the account at the close of each taxable year beginning on or after January 1, 1993, as follows:

(1) By increasing the account for the sum of the following:

(i) The amount of the investment company's current earnings and profits determined without taking into account the following:

(A) The investment company's capital gain net income, as defined in 26 U.S.C.A. § 1222(9) (relating to other terms relating to capital gains and losses), if any.

(B) Items of interest derived by the investment company from an obligation that is statutorily free from taxation by the Commonwealth.

(C) Items of Pennsylvania exempt-interest dividend paid or credited to the investment company as a shareholder by another investment company.

(D) A distributive share of an item described in clause (B) or (C).

(E) That proportion of an amount otherwise allowable as a deduction in computing the earnings and profits which the total of the items described in clauses (B)—(D)

bears to the sum of the total and other gross income of the investment company—exclusive of its capital gain net income.

(ii) The amount of the investment company's capital gain net income.

(iii) The aggregate amount, if any, of Pennsylvania exempt-interest dividend distributions paid or credited to shareholders for the immediately preceding taxable year.

(2) By reducing, but not below zero, the account for the aggregate amount, if any, of distributions paid or credited out of earnings and profits for the immediately preceding taxable year.

(e) *Special rule.*

(1) For purposes of subsection (d), the amount of an investment company's accumulated income account as of the beginning of its 1993 taxable year, the aggregate amount of Pennsylvania exempt-interest dividend distributions paid or credited to shareholders for the 1992 taxable year, and the aggregate amount of distributions paid or credited out of earnings and profits for the 1992 taxable year shall be deemed to be zero, if, at the close of its 1992 taxable year, one of the following applies:

(i) The investment company was unincorporated and had no power under its governing instruments to vary its investments except to eliminate unsafe investments and investments not consistent with the preservation of the capital or tax status of the investments of the fund, honor redemption orders, meet anticipated redemption requirements, negate gains from discount purchases, maintain a constant net asset value per unit under, and in compliance with, an order or rule of the United States Securities and Exchange Commission, or defray normal administrative expenses.

(ii) The investment company was a partnership.

(iii) The investment company had no undistributed earnings and profits.

(2) Otherwise, the amount of an investment company's accumulated income account as of the beginning of its 1993 taxable year shall be the amount that would have been standing to the account at the close of the investment company's 1992 taxable year had the investment company always maintained such an account in accordance with this section.

CHAPTER 117. RETURN AND PAYMENT OF TAX

§ 117.18. Return of information as to payment in excess of \$10.

(a) A person making a distribution, to a taxpayer, out of a pension or profit sharing plan, other than by reason of death, disability or retirement, shall make an annual information return, to the Department of Revenue, Bureau of Personal Income Tax, with respect to the distribution, to the extent that the distribution exceeds that portion contributed to the plan by the taxpayer.

(1) Information returns shall be filed on or before February 28 of each year for distributions made to a taxpayer in the preceding calendar year.

(2) Separate information returns shall be prepared for each taxpayer receiving a distribution, and the return shall substantially conform to Internal Revenue Service Form 1099R.

(i) The returns shall show the following:

(A) The name, address and identification number of the person making the distribution.

(B) The name, address and Social Security number of the taxpayer receiving the distribution.

(C) The amount or value of the distribution made and the amounts contributed by the employer and by the employee, respectively.

(ii) A copy of the return shall be supplied to the employee.

(3) With prior approval of the Director of the Pennsylvania Personal Income Tax Bureau, a person required to make information returns may be permitted to submit a magnetic tape or computer printed listing in lieu of copies of Form 1099R.

(b) On or before February 28 of each year, a Pennsylvania information return for recipients of dividends and other taxable or nontaxable distributions on shares of stock or beneficial interests shall be made by any of the following:

(1) An investment company making a distribution exceeding \$10 to a taxpayer or other investment company if the investment company making payment received interest exempt from tax under the laws of the Commonwealth but is not a regulated investment company, as defined at 26 U.S.C.A. § 851 (relating to definition of regulated investment company).

(2) A corporation that has an election in effect under 26 U.S.C.A. § 1362 (relating to election; revocation; termination) making a distribution exceeding \$10 to a taxpayer if the corporation is not required to make an information return on REV Form 20-S, "Pennsylvania S Corporation Information Return."

(3) An investment company making a distribution exceeding \$10 to a taxpayer or other investment company if the investment company making payment received interest exempt from State taxation under the laws of the United States.

(4) A regulated investment company, as defined in paragraph (1), making a distribution exceeding \$10 to a taxpayer or other investment company if the regulated investment company making payment received interest on State or local bonds that is taxable under this article.

(5) A corporation, association, business trust or investment company making a distribution exceeding \$10 to a taxpayer if it is not required to make an information return on Federal Form 1099-DIV.

(6) A personal holding company or foreign corporation, each as defined at 26 U.S.C.A. § 7701 (relating to definitions), making a distribution exceeding \$10 to a taxpayer.

(c) *Pennsylvania information return.* The Pennsylvania information return shall be made in one of the following ways:

(1) The Pennsylvania information return may be made on a Pennsylvania Form 99-DIV "Information Return for Recipients of Dividends and Distributions" or other form acceptable to the Department and shall show the following:

(i) The payer's name, address and Federal identification number.

(ii) The recipient's name, address and Federal identification number.

(iii) The amount of dividends, nontaxable distributions, and, in the case of investment companies, Pennsylvania exempt-interest dividends paid.

(2) If a regulated investment company furnishes Federal Form 1099-DIV to a recipient in compliance with Federal Income Tax requirements, the Pennsylvania information return may be made by attaching a separate statement showing the ratio of Pennsylvania exempt-interest dividends paid to total ordinary dividends reported on the Federal form.

(3) If a regulated investment company is not required to furnish Federal Form 1099-DIV, the Pennsylvania information return may be made by separate statement showing the amount of dividends, nontaxable distributions and Pennsylvania exempt-interest dividends paid.

(d) Unless an extension is granted by the Department, on or before February 28 of each calendar year beginning on or after January 1, 1997, an information return shall be furnished to each recipient of distributions who makes a written request therefor or who is one of the following:

(1) A resident individual, estate or trust or other taxpayer.

(2) An investment company.

(e) An investment company, corporation, association, business trust or personal holding company may rely on its business records in determining the identity and place of residence of recipients.

CHAPTER 125. (RESERVED)

§ 125.11. (Reserved).

§ 125.12. (Reserved).

§ 125.13. (Reserved).

§ 125.14. (Reserved).

§ 125.15. (Reserved).

[Pa.B. Doc. No. 96-289. Filed for public inspection March 1, 1996, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

[61 PA. CODE CHS. 55 AND 60]

Sales and Use Tax; Lawn Care Services

The Department of Revenue (Department), under authority contained in section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), proposes to amend § 55.6 (relating to lawn care services) and delete § 60.2 (relating to lawn care services) as set forth in Annex A. Section 270(a) of the TRC specifically provides that the Department is authorized and empowered to prescribe, adopt, promulgate and enforce, rules and regulations not inconsistent with Article II of the TRC (72 P. S. §§ 7201—7281.2) relating to tax for education, relating to any matter or thing pertaining to the administration and enforcement of the provisions of Article II and the collection of taxes, penalties and interest imposed by Article II.

Currently, the Department's interpretation of Act 1991-22 (72 P. S. §§ 7201(k)(17), (o)(15) and (j)) relating to lawn care services has been set forth as a pronouncement and codified at § 60.2. The Department has concluded that the issues relating to this service have evolved to the point where the Department can set forth its interpretation as a regulation. Therefore, in addition to proposing to add § 55.6, the Department is also proposing to delete the pronouncement relating to lawn care services which appears at § 60.2.

Section 55.6(a) sets forth definitions for administrative supplies, lawn and lawn care service. Subsection (b) provides that the sale at retail or use of lawn care services performed in this Commonwealth is subject to tax. Lawn care services became taxable October 1, 1991.

Subsection (c) provides examples of taxable lawn care services. Subsection (d) provides examples of services which are not taxable lawn care services. Subsection (e) provides that tax shall be imposed on the total charge for lawn care services. The failure to separately state charges for lawn care services from other nontaxable charges on the invoice requires the charging of tax on the total invoice amount.

Subsection (f) sets forth exclusions. Paragraph (1) provides an exemption if the lawn care services are purchased by qualified charitable organizations, volunteer fire companies, religious organizations and nonprofit educational institutions, except if used in an unrelated trade or business. The services are also excluded if purchased by the Federal government or its instrumentalities; or the Commonwealth or its instrumentalities; or subdivisions including public school districts. Paragraph (2) provides that the vendor of lawn care services may claim the resale exemption upon its purchase of tangible personal property that is transferred to the purchaser or a third party in the performance of the lawn care services. This subsection also provides examples of property that may be purchased exempt for resale when used in performing lawn care services and examples of property that are taxable when used in performing lawn care services.

Fiscal Impact

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

Paperwork

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

Effectiveness/Sunset Date

The amendments will become effective upon final publication in the *Pennsylvania Bulletin*. The amendments will be monitored annually. No sunset date has been assigned.

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on February 20, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed amendments, it will notify the Department within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the amendments, by the Department, the General Assembly and the Governor.

ROBERT A. JUDGE, Sr.,

Secretary

Fiscal Note: 15-352. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE II. SALES AND USE TAX

CHAPTER 55. SERVICES

§ 55.6. Lawn care services.

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

Administrative supplies—

(i) Tangible personal property which is consumed in one of the following manners:

(A) Used but not transferred by a vendor in the performance of this service.

(B) Transferred by a vendor to another party in connection with the performance of the vendor's services when the property is not a critical element of the service.

(ii) Examples of administrative supplies include sales invoices, receipts, contracts, estimate sheets, confirmations or other similar items.

Lawn—Any area covered with grass, including residential and nonresidential lawns, parks, golf courses, athletic fields and cemeteries.

Lawn care service—Providing services for lawn upkeep including fertilizing, mowing, trimming shrubbery or performing other lawn treatment services.

(b) *Scope*. The sale at retail or use of lawn care services performed in this Commonwealth is subject to tax. Lawn care services became taxable October 1, 1991.

(c) *Examples of taxable services*. The following are examples of taxable lawn care services:

- (1) Fertilizing lawns.
- (2) Mowing, trimming, cutting or edging lawns.
- (3) Dethatching lawns.
- (4) Applying herbicides, insecticides or fungicides to lawns.
- (5) Raking leaves or grass on lawns.
- (6) Applying treatments for weed, pest, insect or disease control to lawns.
- (7) Watering lawns.
- (8) Applying lime to lawns.
- (9) Reseeding, resodding or replacing lawns.
- (10) Aerating lawns.
- (11) Providing lawn evaluation, consultation or soil testing services on lawns, if purchased in conjunction with other lawn care services, regardless of whether the costs of the lawn evaluation, consultation or soil testing services are separately stated on the invoice.
- (12) Overseeding lawns.
- (13) Renovating lawns.
- (14) Trimming or pruning shrubbery.

(d) *Examples of nontaxable services*. The following are examples of services which are not taxable lawn care services:

- (1) Seeding, sodding or grass plugging new lawns.
- (2) Trimming, pruning or fertilizing trees.
- (3) Planting or removing shrubbery or trees.
- (4) Providing lawn evaluation, consultation or soil testing services, if not purchased in conjunction with other lawn care services.
- (5) Designing lawns or landscapes.
- (6) Applying herbicides or fungicides to shrubbery, trees, flowers or vegetables. The application of insecticides or other similar chemicals to shrubbery, trees, flowers or vegetables is a taxable pest control service.
- (7) Maintaining shrubbery, flower or vegetable beds, such as by mulching, tilling, weeding or fertilizing.

(e) *Purchase price*. Tax shall be imposed on the total charge for lawn care services. The failure to separately state charges for lawn care services from other nontaxable charges on the invoice requires the charging of tax on the total invoice amount.

(f) *Exclusions*.

(1) Lawn care services are exempt if purchased by qualified charitable organizations, volunteer fire companies, religious organizations and nonprofit educational institutions, except if used in an unrelated trade or business; the Federal government or its instrumentalities; or the Commonwealth, its instrumentalities or subdivisions, including public school districts. The manufacturing, mining, processing, public utility, farming, dairying, agriculture, horticulture or floriculture exclusion does not apply.

(2) The vendor of lawn care services may claim the resale exemption upon its purchase of tangible personal property that is transferred to the purchaser or a third party in the performance of the lawn care services. The vendor may also purchase lawn care services from another provider and subsequently resell the services to its customer. The vendor may not claim the resale exemption upon its purchase of administrative supplies or the purchase of other taxable services that it may use in the performance of its lawn care services.

(i) The following are examples of property that may be purchased exempt for resale when used in performing lawn care services:

- (A) Grass seed, plugs, sod, straw or mulching material, when purchased for use in an existing lawn.
- (B) Herbicides, insecticides, fungicides or other chemicals that are applied to lawns.
- (C) Fertilizers or lime applied to lawns.

(ii) The following are examples of property that are taxable when used in performing lawn care services:

- (A) Grass seed, plugs, sod, straw and mulching material purchased for use in creating a new lawn.
- (B) Mowers; edgers; or pruning, dethatching, aerating or mulching equipment.
- (C) Rakes, shovels or hoes.
- (D) Spray applicators.
- (E) Testing kits.
- (F) Lawn sweepers.
- (G) Shrubby or trees.
- (H) Administrative supplies.

CHAPTER 60. SALES AND USE TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

§ 60.2. (Reserved).

(Editor's Note: As part of this proposal, the Department is proposing to delete the text of a statement of policy § 60.2 (relating to lawn care services) which appears at 61 Pa. Code pages 60-7—60-9, serial pages (200677)—(200679).)

[Pa.B. Doc. No. 96-290. Filed for public inspection March 1, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 457]

Prequalification of Bidders

The Department of Transportation (Department), Bureau of Construction and Materials (Bureau), under the authority contained in section 404.1 of the State Highway Law (36 P. S. § 670-404.1) proposes to amend Chapter 457 (relating to prequalification of bidders) as set forth in Annex A.

Purpose of Chapter 457

The purpose of Chapter 457 is to provide a procedure for processing and evaluating the capacity and qualifications of prospective bidders to perform highway project work in this Commonwealth; to provide a system to permit efficient operation of the contract program for highway projects; to minimize delays in the award of contracts after bids have been opened; and to assure the integrity, responsibility and competency of bidders.

Purpose of these Proposed Amendments

The purpose of the proposed amendments is to assure compatibility with the Contractor Responsibility Program as contained in Management Directive 215.9, dated July 17, 1990, and with Chapter 491 (relating to administrative practice and procedure); to include definitions for the terms "suspension" and "debarment"; to include additional reasons for suspension and debarment; to substitute the terms "contractor" and "subcontractor" or "contractor" for "prospective bidder," as appropriate; to include definitions for the terms "contractor" and "subcontractor"; to eliminate the existing appeal committee structure and to replace the structure with the Administrative Hearing Officer; to amend the cycle for prequalification to 2 years from 1 year; to assign umbrella certificates to parent companies and up to three subsidiaries, thus allowing applicants to bid through a wholly owned and controlled subsidiary as an alternative to separate and independent applications; to provide for clarification of the term "general contractor" and to provide acceptance of a review type of Financial Statement under certain conditions. These proposed amendments will provide for uniform, consistent and compatible application of the suspension/debarment process of contractors on a Statewide basis, and will ease the paperwork burden on contractors and the Department.

Preliminary drafts of these amendments have been provided to the Associated Pennsylvania Constructors Association (APC). The Department, on several occasions, met with APC to discuss and modify the draft amendments. Furthermore, an informal draft of these amendments was also submitted to the Federal Highway Administration (FHWA) for review and comment. Comments from the FHWA were generally technical in nature and the draft was modified accordingly. The Contractor Responsibility Program Committee (CRPC) was also contracted to resolve issues related to suspension and debarment that were of concern to the APC.

The CRPC is chaired by the Deputy Secretary for Comptroller Operations for the Office of the Budget and is comprised of representatives from the Department, the Department of General Services, the Office of the Budget and the Office of Inspector General. The CRPC was charged by the Governor with the formulation and admin-

istration of Management Directive 215.9, which applies to agencies under the Governor's jurisdiction. Management Directive 215.9, sets out the Commonwealth's Contractor Responsibility Program, which is to ensure that the Commonwealth's contractors are competent and responsible and that the contracting process is free of fraud, waste and abuse.

One major area of contention that has not been resolved was a request from APC to have one of the reasons for suspension or debarment changed from "violation of" to "conviction of." The CRPC was not agreeable to this request since agreement with this suggestion would indicate that suspension is the same as debarment. Further, the current wording provides the Commonwealth with the latitude to immediately address allegations of heinous conduct or particularly egregious wrongdoing by a contractor through an administrative investigation and review rather than requiring a conclusion to potentially lengthy criminal proceedings as a predicate to any Commonwealth action.

The most significant amendments include the following:

(1) Section 457.1 (relating to definitions) has been amended to include the addition and deletion of several definitions to accommodate amendments in the remaining sections. The additional definitions are "affiliates," "contractor," "debarment," "Department hearing officer," "subcontractor" and "suspension." Definitions that are to be deleted are "bidder," "Board of Review" and "prequalification committee." The incorporation of the term "affiliates" broadens the scope of the program and provides the Commonwealth with a remedy to situations where contractors seek to circumvent a suspension or debarment by shuffling assets between companies or simply starting new corporations. "Bidder" has been deleted and replaced by definitions of "contractor" and "subcontractor" to reflect that subcontractors are now separately prequalified. The definition of "debarment" fills a gap in the regulations in that it articulates the exact nature of this action and distinguishes its fixed term aspect from the temporary nature of a "suspension," as that term is now defined. The definition of "Department hearing officer" specifies who that person is and reflects the Department's effort to have a uniform hearing mechanism for all administrative matters rather than the two-tiered, prequalification appeals process now in place. The deleted definitions reflect the elimination of these bodies as part of the new process. In addition to the foregoing, the changes in the definitions achieve consistency with Management Directive 215.9. The changes also substantially reduce the potential for impermissible commingling of Department personnel between the prosecutorial and adjudicatory roles when a contractor appeals a prequalification action by having a hearing officer in lieu of the two multimember panels that exist under the current regulations.

(2) Section 457.3(d)(1)(i) (relating to general requirements) indicates that prequalification shall expire 18 months from the date of the contractor's balance sheet contained in the prequalification application when the balance sheet date is December 31, 1994, or earlier. The purpose of establishing this date is to provide for a cutoff date and implementation date between the existing regulations and the proposed regulations.

Section 457.3(d)(1)(ii) has been added to provide for prequalification certificates for prime contractors to expire 30 months from the date of the balance sheet as compared to the present 18 months. This change as noted in the proposed amendments will begin when the balance

sheet date is January 1, 1995, or thereafter. Since contractors will be required to apply on an average of every 2 years as compared to an average of once a year, savings in terms of money and paperwork will be realized by prime contractors, since financial statements will also be required only once every 2 years instead of once every year.

Section 457.3(d)(2)(i) provides for certificates for sub-contractors to expire 2 years from the date they are prequalified. Subcontractors will realize savings in paperwork since they will be required to submit applications once every 2 years as compared to the existing requirement of once a year. It is expected that the Department will realize some savings in paperwork.

Section 457.3(d)(3) has been replaced to provide for a 30-day time extension of a current certificate should the renewal certificate not be issued prior to expiration. This will allow contractors to continue bidding until the new certificate is issued since the present policy does not allow for any time extensions.

Section 457.3(h) has been replaced to include a requirement for out-of-State contractors to designate a resident agent. This amendment was added to allow for the timely coordination of essential documents from out-of-State firms. Submission of required and requested documents from out-of-State firms has proven, in some past situations, to be a time consuming process.

Section 457.3(i) has been added to require the Prequalification Office to retain records for a period of 3 years. This retention period allows the Department to compare records over this time period to determine if changes have occurred which could affect the applicant's prequalification status and to provide information that may be relative to other construction concerns. This addition documents the Department's policy concerning the retention of prequalification records.

Section 457.3(j) has been added to provide for the issuance of umbrella prequalification certificates to a parent company and as many as three subsidiaries/divisions. This addition provides for the combined group to apply for prequalification under a single application with a combined financial statement. Identical certificates would be issued to the parent and each designated subsidiary. Presently, a certificate is issued to each company individually based on its own individual credentials. Suspension or debarment would apply to all companies included under the umbrella certificate. With the addition of this provision, only one financial statement need be submitted for as many as four firms. Applicants should realize cost savings and paperwork savings. The Department will also realize some cost savings and paperwork savings since only one financial statement will be filed by the applicant and the Department will need to evaluate only one financial statement.

(3) Section 457.4(b)(3) (relating to statements to be furnished under oath) has been amended to require an applicant to provide an audited financial statement when the applicant's net working capital (assets minus liabilities) is in excess of \$50,000. It has been the Department's policy to require audited financial statements from applicants filing Part 1, Contractor's Financial Statement, since auditing standards require that audited financial statements include assurance from the applicant's accountant that an indepth examination, on a test basis, provides evidence supporting the amounts and disclosures in the financial statement. Review statements require limited testing to support the figures in the financial

statement. Section 457.4(b)(3) specifically reiterates that policy but also provides for acceptance of a review type of financial statement from applicants whose working capital does not exceed \$50,000. A number of contractors requested that the Department accept a review type of financial statement to allow contractors with lower net working capital to bid on low cost projects. This provision would allow these firms to be prequalified as prime contractors rather than just as subcontractors.

Section 457.4(b)(5) has been amended to clarify that lines-of-credit must be designated in the name of the applicant. This proposed amendment was included because, in the past, a number of firms have submitted lines-of-credit in the name of one of their affiliates or subdivisions. Since each applicant, whether a single applicant or an applicant with subsidiaries or divisions, is assigned prequalification based on its own merits and credentials, and not that of another company, this has become an area of concern. A line-of-credit accepted in a name other than the applicant's would distort the financial capacity of the applicant. This proposed amendment will also be applicable to the umbrella certificate concept discussed in previous paragraphs, that is, the line-of-credit will be required to be in the name of the entity or applicant.

Section 457.4(c)(3) has been amended to require several additional statements to be furnished by the prospective bidder. These are included under § 457.4(c)(3)(i)—(xviii), and will be required to be furnished under oath, as are existing statements in this section. These statements request information related to the organization and experience of the applicant and provide the Department with the capability to evaluate the credentials of an applicant with respect to classification and responsibility.

(4) Section 457.5(a) (relating to classification) has been amended to include modification to the classification codes. These classification codes are categories of work that are described in Publication 408, Pennsylvania Department of Transportation Specifications, and are listed under § 457.5(a). Classification codes establish the type of work upon which an applicant will be eligible to bid. Included in these proposed amendments are some name changes to the classification codes, the addition of Codes J1, Concrete Median Barrier; Q, Maintenance and Protection of Traffic; and V, Steel Painting (High Performance), and the deletion of Code W, Electrical and Code X, Plumbing. Code J1 was added due to the substantial increase in the installation of concrete median barrier on Department projects. Code Q was added due to legal considerations of assuring that maintenance and protection of traffic is performed in accordance with Department standards. Code V was added due to new products and techniques involved in the painting of steel bridges. The electrical and plumbing codes were deleted since the Department's related electrical work is incorporated under Code P (Highway/Sign Lighting, Signal Control) and the related plumbing work is associated with Code H (Drainage, Water Main, Storm Sewer).

Section 457.5(e) has been amended to allow for an applicant to be considered as a general highway contractor if he has been assigned classifications of C, Excavation and Grading; F, Bituminous Pavement or G, Rigid Pavement; H, Drainage, Water Main, Storm Sewers; and S, Cement Concrete Structures (All Types). This will eliminate the review for the 50% classification requirement, which requires that the bidder has been classified and eligible to bid on a minimum of 50% of the total bid price of the work items listed in the proposal, under

§ 457.8(a) (relating to certification of classification and capacity) at the time of bidding, if bidder is the low bidder. Bidders not prequalified for 50% of the total bid price will be excluded and rejected.

Section 457.5(f)(1) has been amended to establish an unlimited maximum capacity rating at \$500 million. The maximum capacity rating is the dollar amount which designates the quantity of work which a prospective bidder will be eligible to bid. This rating, although not previously specified in these regulations, was set at \$100 million. The \$100 million limit was established several years ago by the Bureau. The \$500 million limit has been established to accommodate for inflation since financial capacities have increased by approximately the same rate in that time period. The Department anticipates minimal risk with contractors whose financial capacity exceeds \$500 million since financial capacity is a measure of their working capital, equipment, borrowing capacity and work performance.

Section 457.5(f)(5) has been added to obtain additional financial documentation from a contractor when the current liabilities are greater than the current assets for 2 consecutive fiscal years. The section also allows the Department to prequalify the contractor to perform work only as a subcontractor if the Department still considers the contractor's financial status to be questionable after evaluation of the additional documentation.

Section 457.5(f)(6) has been added to allow the Department to reduce the maximum capacity rating or to reject the application for applicants who have been determined by the Department's accountant to have a negative working capital. This policy has been implemented to assure that applicants are fiscally responsible.

(5) Section 457.6 (relating to appeals procedure) is proposed to be amended to require that classification appeals will be held in conformity with the Department's rules of administrative practice and procedure in Chapter 491. Requests for classification hearings must be filed with the Administrative Docket Clerk of the Department, thus eliminating the first step of the present Prequalification Committee appeal structure, the Prequalification Committee hearing. Presently, appeals, classification, suspension, debarment, and the like, are first heard by the Prequalification Committee. Section 457.6 now provides an informal meeting as the first step in the appeal process. This will allow the Deputy Secretary for Highway Administration and the Director of the Bureau to become involved with highway construction problems related to prequalification prior to the initiation of the formal appeal process. Presently, the Bureau Director is designated as the Chairperson of the Prequalification Committee and the Deputy Secretary for Highway Administration is designated as a voting member of the Board of Appeal and do not become involved until an appeal is received. Classification appeals are intended primarily to include issues dealing with assignment of classification codes and maximum capacity ratings as discussed in § 457.5. This procedural change to the present appeal process assures consistency with Chapter 491. In accordance with Chapter 491, a filing fee of \$100 will be required for a classification hearing. The reason for the filing fee is to defray the costs of the proceeding.

Section 475.7 (relating to duties of the Board of Review) is proposed to be deleted thus eliminating the Board of Review in the appeal process. As noted in the preceding paragraph, appeals to the Department's Administrative Docket provide for consistency with Department regulations. Also, if applicants are not satisfied with the

determination of the Department hearing officer, they may appeal to Commonwealth Court. Due process should be assured through the three step process of informal review, Administrative Docket Clerk and Commonwealth Court.

Section 457.11 (relating to audit of contractor or subcontractor records) is proposed to be amended to allow the Department to review the records of the contractor that may substantiate information in the prequalification application, and to audit other records that may concern issues on construction projects, such as, payments to subcontractors.

Section 457.13 (relating to suspension or debarment) is proposed to be amended to include additional reasons for suspension or debarment. These additions are detailed in § 457.13(a)(1)—(13) and deal primarily with violations of Federal or State laws concerning antitrust statutes, campaign contributions, the environment, wage standards, labor standards and discrimination in employment. False claims have also been added as a specified reason for sanction as has the failure to cooperate with State agencies performing their investigative or review functions. This proposed amendment promotes compatibility with the Contractor Responsibility Program and provides consistency of Statewide implementation in dealing with suspension and debarment of contractors. The changes also lend specificity and definition to the types of conduct for which a contractor may be sanctioned. This is absent from the current regulations which use a bullet point approach. For example, "unsatisfactory past performance" is by itself under the current regulations. The proposed amendment, while not unduly restricting the Department's latitude, provides specific parameters and instances of how and why a contractor's performance may be deemed unsatisfactory. This heightened specificity clearly benefits contractors by promoting consistency and minimizing their susceptibility to subjective application of the terminology. The changes proposed do not, for the most part, increase a contractor's overall exposure to sanction. As a matter of policy, the conduct specified in the new criteria was all subject to sanction under the "Other valid reason or cause" standard of present § 457.13(10) (relating to suspension or debarment). By being more specific, there is simply less ambiguity and less likelihood of a contractor defending against a sanction on the basis that the contractor was not on notice that conduct, such as not cooperating with the Inspector General, was considered subject to sanction.

(6) Section 457.14 (relating to joint venture bids), is proposed to be retitled "Debarment appeals procedure," and is further amended to provide a process for an appeal of a suspension or debarment to be commenced by filing with the Department's Administrative Docket Clerk. This proposed amendment promotes compatibility with the Department rules of administrative practice and procedure, thus assuring consistency Department-wide in providing an appeal process to contractors who have been suspended or debarred. An informal meeting with the Department prior to a formal hearing with the Department hearing officer is included. This will allow for the Director of the Bureau to become involved prior to the formal appeal process, something which the Department believes will promote settlements and resolution of disputes short of actual litigation. Presently, as Chairperson of the existing Prequalification Committee, this Bureau Director can not be involved until the appeal actually reaches the Prequalification Committee because it would constitute an impermissible commingling of his activities. The new procedure also permits the formerly precluded

involvement of the Deputy Secretary for Highway Administration and the Chief Engineer, Highway Administration, both of whom are currently on the Board of Review. This will promote informal resolution of disputes and minimize the potential for improper commingling in the adjudicative process.

One feature of the new procedures likely to engender controversy is that they do permit a suspension without a formal hearing. This is consistent with Management Directive 215.9. As noted in the discussion in previous paragraphs regarding the proposed additional definitions, the Department needs the ability to react immediately to extraordinary circumstances. For example, if a contractor is building bridges or other structures and is discovered to be using substandard materials, there is an instant and severe potential for danger to the traveling public. The Department needs to be able to suspend and investigate that contractor before the contractor continues work or obtains any more jobs. The immediate and potentially severe hazard to the public constitutes exigent circumstances which, combined with the Department's obligation for prompt followup and the contractor being allowed to respond and be heard within a short time after the suspension permits such an action prior to a hearing. And, since a suspension is not a final order and, hence, not an adjudication for the purposes of 2 Pa.C.S. § 101 (relating to definitions), a hearing under 2 Pa.C.S. § 504 (relating to hearing and record), is not required before a suspension can become effective.

Persons and Entities Affected

These proposed amendments will affect highway contractors involved in bidding on Department projects. These proposed amendments will also affect subcontractors performing work for prime contractors.

Fiscal Impact

These proposed amendments will not require the expenditure of additional funds by either the Commonwealth or local municipalities. These proposed amendments will reduce costs for applicants filing audited financial statements since they will be required to file on an average once every 2 years as compared to the present requirement of an average of once a year. Additionally, applicants with working capital of less than \$50,000 will not be required to complete audited financial statements to be prequalified as prime contractors. This should provide a cost savings for smaller firms. No additional costs other than a filing fee for classification appeals are required. These additional costs will be minimal while at the same time these amendments will promote compatibility with the Commonwealth's Contractor Responsibility Program and Chapter 491. These proposed amendments will impose additional reporting requirements on the affected persons relating to contractor integrity and responsibility. There should also be some reduction of recordkeeping as a consequence of the extension of time for prequalification application renewals, the acceptance of a review statement and the issuance of umbrella certificates to parents and their subsidiaries/divisions.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on February 16, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting these proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory

Analysis Form prepared by the agency in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

Sunset Provisions

The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under section 404.1 of the State Highway Law. The Department, however, will continue to monitor these regulations for their effectiveness.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Joseph A. Filippino, P.E., Director, Bureau of Construction and Materials, Room 1212B, Transportation and Safety Building, Harrisburg, PA 17120 within 30 days of the publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

Fred N. Starasinic, P.E., Contract Management Division, Bureau of Construction and Materials, Harrisburg, PA 17120, (717) 787-3733.

Fiscal Note: 18-318. No fiscal impact; (8) recommends adoption.

BRADLEY L. MALLORY,
Secretary

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE III. HIGHWAYS

CHAPTER 457. PREQUALIFICATION OF BIDDERS

§ 457.1. Definitions.

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

* * * * *

Affiliates—Business entities or individuals whose relationship is such that either directly or indirectly, one controls or can control the other; or a third controls or can control both; or a similar arrangement exists between business entities or individuals.

[Bidder] Contractor—An individual, firm, partnership, corporation, other entity or joint venture limited to three participants, unless indicated otherwise, submitting a proposal for the work contemplated and acting directly or through an authorized representative.

[Board of Review—A board consisting of the Deputy Secretary for Highway Administration, who shall act as chairman, the Chief Counsel, Comptroller of the Department and Deputy Secretary for

Administration, or their designees. The Chief Engineer, Highway Administration, shall be the Secretary of the Board as a nonvoting member, and shall keep a complete record of proceedings and decisions before the Board. Tie votes shall be resolved by the Secretary of Transportation.]

Debarment—Action taken by the Department to prohibit a contractor, subcontractor or individual from contracting with or participating in contracts with the Department for a specified period. It shall include all divisions or other organizational elements of a contractor or subcontractor unless limited by its terms to specific divisions or organizational elements. Debarment may apply to any affiliates or other individual or entity associated with the contractor, subcontractor or individual if they are specifically named and given written notice of the debarment and an opportunity to appeal.

* * * * *

Department hearing officer—The person designated by the Commonwealth to preside over appeals involving classification of prequalification codes or debarment.

* * * * *

[Prequalification committee—The prequalification committee of the Department. This committee shall consist of the Director of the Bureau of Construction and Materials who shall act as chairman, the Assistant Comptroller of the Department, an attorney assigned to the Office of Chief Counsel, the Director of the Equal Opportunity Bureau and any other person designated by the Secretary to administer the regulations, and procedures set forth in this chapter.]

* * * * *

Subcontractor—An individual, firm, partnership, corporation or other entity whose participation in the work contemplated is through a contract or other arrangement with a contractor.

Suspension—Action taken by the Department to temporarily prohibit a contractor, subcontractor or individual from contracting with or participating in contracts with the Department. It may be for a period of up to 3 months, pending the completion of an investigation which could lead to debarment or legal proceedings. The period of suspension may be extended for good cause. A suspension shall include all divisions or other organizational elements of a contractor or subcontractor unless limited by its terms to specific divisions or organizational elements. Suspension may apply to any affiliates or other individual or entity associated with the contractor, subcontractor or individual if they are specifically named and given written notice of the suspension.

§ 457.2. Purpose.

(a) This chapter is designed to implement [the provisions] of the act of September 20, 1961 (P. L. 1529, No. 649) (36 P. S. § 670-404.1) by providing a method and manner, determined to be desirable by the Secretary, for the processing and evaluation of the capacity and qualifications of [prospective bidders] contractors and subcontractors to perform highway project work in this Commonwealth.

(b) The following basic policy shall govern the classification and prequalification of [prospective highway] contractors and subcontractors:

* * * * *

(3) To assure the integrity, responsibility and competence of bidders.

§ 457.3. General requirements.

* * * * *

(c) [Prequalification rating] **Application processing.** [To permit the Department to determine and establish a prequalification rating, bidders shall be notified that a maximum of 15 working days may elapse before prequalification forms submitted may be fully processed, but that errors or omissions on any of the forms may increase the amount of time required for processing.] The Department will attempt to expedite the processing of an application if the applicant notifies the [prequalification officer] Prequalification Office in writing [, at the time the application is submitted] at least 10 working days prior to the bid opening that the applicant is a prospective bidder on an advertised project.

(d) **Expiration.** Expiration shall be as follows:

(1) **Prime contractors.** A certificate will be issued to prime contractors who have been prequalified indicating the expiration date of their prequalification. The expiration date will be established in accordance with the balance sheet date.

(i) **Form 4300, Part 1—Filed.** Prequalification unless withdrawn or suspended by the Department, shall expire 18 months from the date of the contractor's balance sheet contained in the prequalification application, when the balance sheet date is December 31, 1996, or earlier.

(ii) **Prequalification, unless withdrawn or suspended by the Department, shall expire 30 months from the date of the contractor's balance sheet contained in the prequalification application when the balance sheet date is January 1, 1997, or thereafter, except that an 18 month expiration period will be assigned when required, to provide for an even year expiration date for those with a certificate alpha prefix of A through K and an odd year expiration date for those with a certificate alpha prefix of L through Z.**

(2) **Subcontractors.** A certificate will be issued to subcontractors who have been prequalified indicating the expiration date of their prequalification. The expiration date will be established in accordance with the date of issuance of the certificate.

[(2)] (i) **Form 4300, Part 1—Not filed.** Prequalification shall expire [one year] 2 years from the date of issuance of the [notice or] certificate of prequalification for applicants who elect to exercise the option specified in § 457.4(a)(5) (relating to statements to be furnished under oath).

* * * * *

(3) **Expiration date.** The expiration date will be indicated on the certificate of prequalification. [There will be no extension of prequalification under any circumstances.] The expiration date of a current certificate will be automatically extended 30 days if the renewal certificate is not issued prior to expira-

tion, provided the renewal application has been received by the prequalification officer at least 30 days prior to the current expiration date and the applicant has not been notified in writing otherwise for due cause.

* * * * *

(h) [*Questionnaires.* Prospective bidders shall submit Prequalification Questionnaires, as provided in this section at least once every year or on such other intermediate occasions as may be deemed necessary by either the bidder or the Department.] *Resident agent.* Out-of-State contractors and subcontractors as a part of prequalification shall designate a resident agent who is identified by name and address, and who is authorized by the contractor or subcontractor to accept service of complaints, subpoenas and other legal documents on behalf of the contractor or subcontractor, its officers, employees or owners. The contractor or subcontractor shall notify the Department immediately if there is a change in the name or address, or both, of the resident agent. Failure to do so could result in suspension of prequalification.

(i) *Records retention period.* The Prequalification Office will retain the contractor's or subcontractor's prequalification forms and related file at least 3 years from the expiration date of the certificate. If a certificate is not issued, the file shall be retained at least 3 years from the date the forms are received.

(j) *Subsidiaries.* Applicants who desire to bid through a wholly owned and controlled subsidiary may, as an alternative to separate and independent applications, apply for the prequalification of a parent organization and no more than three wholly owned construction related subsidiaries, under a single application with a combined financial statement. Identical certificates will be issued to the parent and each designated subsidiary, the combined group being considered an entity for purposes of performance evaluation and workload assessment. The parent and each designated subsidiary, jointly and severally, shall meet the requirements and conditions specified in this chapter for person, bidder, contractor or applicant. A division or other operating unit within a parent organization will be considered in the same manner as a subsidiary. A suspension or debarment will apply to the entity being prequalified.

§ 457.4. Statements to be furnished under oath.

(a) *Generally.* The following procedures shall be followed in making a statement:

* * * * *

(3) [**Two sets**] One set of each form shall be sent to each applicant[. **One original**] which shall be returned to the Department. [**The second set shall be for the use of the contractor.**]

(4) A complete set of application forms may be acquired from the Prequalification [**Officer**] Office, **Bureau of Construction and Materials**, Contract Management Division, Department of Transportation, Harrisburg, Pennsylvania 17120. They shall be mailed or delivered to

the Prequalification [**Officer**] Office at [**the above**] this address.

* * * * *

(b) *Contractor's Financial Statement, Form 4300, Part 1.* This part will be reviewed by the Office of Comptroller. The following procedures shall be followed in completing Form 4300, Part 1:

(1) Each applicant, whether a corporation, copartnership or individual, shall complete the applicable parts of Form 4300, Part 1, Contractor's Financial Statement, and shall submit the statement as part of [**his**] the application for prequalification. The form provides for balance sheet data with supporting schedules and follows closely the standard and accepted form generally used in presenting an adequate financial report, and shall show all assets and liabilities, including verification of lines of credit extended by banks. This form or statement shall include certification, **rendered with an opinion**, by a certified public accountant, public accountant [,] or foreign accountant registered in accordance with The C.P.A. Law (63 P. S. §§ 9.1—9.16b) as to the financial condition of the prospective [**bidder**] contractor. Financial statements prepared in states other than the Commonwealth will not be accepted unless they include certification by a certified public accountant.

* * * * *

(3) An applicant shall provide an audited financial statement when the applicant's net working capital is in excess of \$50,000. A review type of financial statement is acceptable only when the applicant's net working capital does not exceed \$50,000. If the net working capital is negative, or if the maximum capacity rating as calculated in § 457.5(f) exceeds \$4 million, a review type of statement is not acceptable and an audited financial statement will be required. Financial statements shall be current. A financial statement which is received by the prequalification officer later than 9 months after the balance sheet date may not be accepted. Financial statements received more than 6 months after the balance sheet date shall include an assurance by the accountant that there are no material changes in the financial condition of the applicant since the balance sheet date. For significant changes in a contractor's financial status which occur subsequent to the balance sheet date and which adversely affect the contractor's financial condition, the Department has the right to reevaluate the contractor's financial statement and to adjust the assets, liabilities, line-of credit and book value of equipment, and consequently, the assigned maximum capacity rating, or to reject the statement outright.

(4) Financial statements shall be reviewed by the **prequalification accountant** in accordance with current accounting concepts as published by the American Institute of Certified Public Accountants. Accordingly, adjustments in the treatment of assets or liabilities may be made by the **Department** as deemed necessary. On major adjustments, the applicant shall receive advance written notice thereof.

(5) Line-of-credit statements, if submitted from banks for the purpose of establishing financial qualifications in determining rating, shall be furnished on Department forms included in Form 4300, Part 1. A line-of-credit statement is not required for prequalification. **The line-**

of-credit shall be designated in the name of the firm applying for prequalification.

* * * * *

(c) *Contractor's Organization and Experience Statement, Form 4300, Part 2.* This part will be reviewed by the Contractor Evaluation Engineer. The following procedures shall be followed in completing Form 4300, Part 2:

(1) The information and data to be submitted on Form 4300, Part 2, Contractor's Organization and Experience Statement is largely self-explanatory. Each applicant [**prospective bidder**] (contractor) shall be assigned a rating which will designate the classifications of work upon which he shall be eligible to bid. Thus the Department will establish the maximum amount of work which a qualified [**bidder**] contractor may have under contract and incomplete at any one time and beyond which no further work will be awarded him. This total amount of work, or maximum capacity rating, shall be a flat sum determined in accordance with the formula [**set forth**] in § 457.5.

* * * * *

(3) Each [**prospective bidder**] contractor and subcontractor shall furnish, under oath, the following statements:

(i) A statement as to plant and equipment, which shall give complete details as to type, age and condition. If equipment is leased, the applicant shall list the owner by the name of the organization or individual from whom the equipment is leased at the time of balance sheet date.

* * * * *

(iii) A statement as to prior and current experience of the contractor, his principal officers and key employes which shall show the number of years the [**prospective bidder**] contractor has been engaged in the contracting business and shall further disclose generally his experience over that period.

* * * * *

(vi) A statement [**setting forth other relevant, pertinent and material facts that may justify the rating desired**] indicating how many years the organization has been in business as a contractor under its present business name.

(vii) A statement indicating the number of years of experience in highway construction work the organization has.

(viii) A statement indicating whether the organization ever failed to complete any work awarded to it.

(ix) A statement indicating whether any officer or partner of the organization has ever been an officer

or partner of some other organization that failed to complete a construction contract.

(x) A statement indicating if any officer or partner of the organization has ever failed to complete a construction contract performed in his own name.

(xi) A statement indicating whether the organization has ever been denied prequalification in this Commonwealth or another state under its name or another name.

(xii) A statement indicating whether the organization has ever been disqualified or removed from a bidding list in this Commonwealth or another state under its name or another name.

(xiii) A listing indicating the construction experience of the officers and management personnel, including superintendents of the organization.

(xiv) A listing of affiliated or subsidiary organizations and companies.

(xv) A listing of organizations, individuals, or both, who have a financial interest of 10% or more in the company.

(xvi) A listing of the persons having a financial interest in the organization, and who also have a financial interest in another organization prequalified or eligible to bid in this Commonwealth or another state.

(xvii) A listing of other organizations or individuals who control or influence the bidding of the company.

(xviii) A statement indicating misdemeanor convictions involving moral turpitude, conviction of a bidding crime and other felony convictions of the contractor, as well as the contractor's directors, partners, principal officers and key employes.

(xix) A statement setting forth other relevant, pertinent and material facts that may justify the rating desired.

* * * * *

[(e) Complete statement of misdemeanor convictions involving moral turpitude and felony convictions of the contractor, as well as the contractor's directors, principal officers and key employes.]

§ 457.5. Classification.

(a) The [**prospective bidder**] contractor or subcontractor shall be classified according to the type of work and amount of work for which his experience and financial capacity will qualify him to bid. The types of work, as described in Department of Transportation Specifications, Publication 408, are listed as follows:

WORK	CODE	SECT.	CLASSIFICATION
EARTHWORK	A	200	CLEARING & GRUBBING
	B	200	BUILDING DEMOLITION
	C	200	EXCAVATING & GRADING
BASE COURSE	D	300	[P.C.C.] RIGID BASE COURSE
	E	300	FLEXIBLE BASE COURSE

WORK	CODE	SECT.	CLASSIFICATION
PAVEMENT	F	400	BITUMINOUS PAVEMENT
	[H] F1	400	BITUMINOUS PAVEMENT PATCHING [MANUAL] AND REPAIR
	G	500	RIGID PAVEMENT
	G1	500	RIGID PAVEMENT PATCHING & REPAIR
INCIDENTAL CONSTRUCTION	H	600	DRAINAGE, WATER MAIN, STORM SEWER
	J	600	[GUARD] GUIDE RAIL, STEEL MEDIAN BARRIER, FENCES
	J1	600	CONCRETE MEDIAN BARRIER
	K	600	CURBS, SIDEWALKS, INLETS, MANHOLES, ETC.
	L	600	SLABJACKING-SUBSEALING
ROADSIDE DEVELOPMENT	M	800	LANDSCAPING
	N		REST AREA STRUCTURES, [() BUILDINGS [, ETC]
TRAFFIC ACCOMMODATIONS [&] AND CONTROL	O	900	PAVEMENT MARKINGS
	P	900	[HWY] HIGHWAY/SIGN LIGHTING, SIGNAL CONTROL
	Q	900	MAINTENANCE AND PROTECTION OF TRAFFIC
	R	900	SIGN PLACEMENT (POST/STRUCTURE MOUNTED)
	R1	900	SIGN STRUCTURES
STRUCTURES	S	1000	CEMENT CONCRETE STRUCTURES [(ALL TYPES)]
	S1	1000	[METAL PLATE & CONCRETE BOX] CULVERTS & [SHORT] SINGLE SPAN [BRIDGE] BRIDGES TO 80 FT
	S2	1000	REPAIR [&] AND REHABILITATION OF STRUCTURES
	S3	1000	MODIFIED CONCRETE DECK OVERLAYS
	T	1050	ERECTION (STRUCTURAL MEMBERS)
	[H] T1	1018	BRIDGE REMOVAL
	U	1005	PILE DRIVING
	V	[1060] 1070	STEEL PAINTING (HIGH PERFORMANCE)
	V1	1071	STEEL PAINTING (CONVENTIONAL)
MISCELLANEOUS	[W]		[ELECTRICAL]
	[X]		[PLUMBING]
	Y		OTHERS

* * * * *

(c) The classifications of work listed in subsection (a) may be further **[broken down] defined** by the Contract Management Division, if needed, to provide for additional types of specialties generated with expanded programs.

(d) **[Each prequalified contractor shall be recognized as a general contractor eligible to bid on projects in which the types of work for which he is classified constitute the major portion of the project. This section does not apply to contractors**

exercising the option as specified in § 457.4(a)(5) (relating to statements to be furnished under oath.)] Each prequalified contractor shall be eligible to bid on projects in which the types of work for which he is classified constitute at least 50% of the project.

(e) Each **[prospective bidder] contractor or subcontractor** shall be classified for one or more types of work in accordance with his adequacy of plant and equipment, organization, prior experience, record of construction and other pertinent, relevant and material facts

which may affect the classification. A contractor or subcontractor who has been assigned classifications of excavation and grading; bituminous pavement or rigid pavement; drainage, water mains, storm sewers; and cement concrete structures (all types) will be considered a general highway contractor. A proposal from a contractor with a general highway contractor designation need not be reviewed for the 50% classification requirement unless specialty items predominate. The [prospective bidder] contractor or subcontractor shall be assigned an ability factor and given a capacity rating which will designate the quantity of work upon which he will be eligible to bid. The Prequalification [Officer] Office shall give notice of the classification and rating.

(f) The [Maximum Capacity Rating] maximum capacity rating shall be a flat sum determined as follows:

(1) [When the contractor files the Contractor's Financial Statement, Form 4300, Part 1, the] The formula, $Q = F (C+1/2L+1/2E)$, shall be used to determine [his] the maximum capacity rating. A contractor whose maximum capacity exceeds \$500 million as determined by this formula, will be considered to have unlimited financial capacity.

(2) When the contractor elects to exercise the option as specified in § 457.4(a)(5), [he] the contractor shall be assigned in lieu of the Contractor's Financial Statement, Form 4300, Part 1, a flat sum factor of \$50,000; and the formula $Q = F(\$50,000)$ shall be used to determine [his] the maximum capacity rating.

* * * * *

(5) If the maximum capacity rating (Q) is a positive number, a certificate as a prime contractor will be issued. If the contractor has had a negative working capital for 2 consecutive fiscal years, the Department will request additional documentation to support the contractor's financial capabilities even if the maximum capacity rating (Q) is a positive number as a result of a line of credit or book value of equipment, or both. If the Department still considers the contractor's financial status to be questionable, the Department will prequalify the contractor to perform work only as a subcontractor.

(6) If the net working capital (C) is a negative amount, the Department has the right to reduce the qualification amount or to reject the application.

(g) The qualification amount, determined by the applicable formula in subsection (f) shall establish the maximum capacity rating of the applicant. Award of contract shall be restricted to [his] the assigned maximum capacity rating less monetary value of [his] the uncompleted contract and subcontract work [, whether with the Department or another governmental agency, person or entity, including subcontracts, except as permitted] under § [457.15] 457.16 (relating to sublettings.)

[(h) However, a prime contractor whose work classifications will enable him to perform at least 50% of the original total contract price, may perform with his own forces another part of the contract for which he has no work classification.]

§ 457.6. [Appeals] Classification appeals procedure.

The following procedures apply [at a hearing before the Prequalification Committee] to classification appeals:

(1) *Informal meeting.* A [prospective bidder] contractor or subcontractor dissatisfied with his classification may submit, in writing, a request [a hearing in writing] for an informal meeting to the Prequalification Office within 10 working days after receipt of notice of prequalification [, disqualification, suspension] or denial thereof or other related action of the [Prequalification Officer before the Prequalification Committee] Department. At the [hearing] meeting, which [should] will be scheduled by the Department within 30 days after receipt of a request therefor, [he] the contractor or subcontractor may present further evidence with respect to [his] financial responsibility, organization, plant and equipment or experience and other relevant facts, as might tend to justify a different classification or other determination by the [Prequalification Officer] Department.

(2) *Notification of determination/formal classification hearing.* After hearing the additional evidence, the [Prequalification Committee shall, by appropriate ruling,] Department will change or retain the classification within 10 working days after the [hearing] meeting and [shall] will notify, in writing, the [prospective bidder] contractor or subcontractor, accordingly. A contractor or subcontractor, if dissatisfied with the determination of the Department following the informal meeting, may, within 10 working days of the mailing date of the determination, request in writing a formal classification hearing setting forth the reasons therefor.

(3) A contractor or subcontractor may, at its option, forgo the informal meeting described in paragraph (1) and directly appeal the classification determination of the Department by requesting in writing a formal classification hearing setting forth the reasons therefor, within 10 working days after receipt of notice of prequalification or denial thereof or other related action of the Department.

(4) Classification hearings will be held in conformity with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) as supplemented by Chapter 491 (relating to administrative practice and procedure). As set forth in § 491.4 (relating to institution of proceedings), requests for classification hearings, and other papers relating to the case, shall be filed with the Administrative Docket Clerk at the following address:

Secretary of Transportation, Administrative Docket Clerk, c/o Office of Chief Counsel, 521 Transportation and Safety Building, Harrisburg, Pennsylvania 17120.

Under § 491.5 (relating to filing fee), a filing fee in the required amount shall accompany a request for a classification hearing.

§ 457.7. [Duties of the Board of Review] (Reserved).

[The prospective bidder, if dissatisfied with the ruling of the Prequalification Committee, may, within 10 working days subsequent to the ruling, request a hearing before the Board of Review, whereupon the Board shall act as follows:

(1) The Board shall hold a hearing within 30 days after receipt of a request therefor, at which the prospective bidder and his representatives shall be entitled to be heard and to submit additional evidence that they may have.

(2) The Board shall review the evidence presented on behalf of the prospective bidder touching upon his responsibility as a contractor and shall furnish to the Prequalification Committee, within 10 working days of the hearing, its decision changing or retaining the appealed classification.

(3) A decision of the majority of the Board shall be the decision of the Board.]

§ 457.8. Certification of classification and capacity.

(a) Bids will be accepted only from [prospective bidders] contractors who have [been assigned a classification and capacity rating] a current prequalification certificate in accordance with [the provisions of] this chapter. [Under no circumstances will bids be accepted from bidders who have not been prequalified.] In those cases where either the bidder does not have adequate current prequalification capacity rating, as required by subsection (b) or the types of work, on which the [bidder] contractor has been classified and eligible to bid, do not constitute over 50% of the total bid price, the bid will be excluded and rejected. Items noted in the proposal as specialty items may be excluded.

(b) In order that the [Secretary] Department may have the necessary information to pass upon the ability of a [bidder] contractor to satisfactorily complete a project, [bidders] contractors shall submit with their proposal a certification of capacity to do the particular work. If the contractor desires credit for subcontracted items of work on the particular project, [he] the contractor shall include the names of the subcontractors in the proposal. Subcontractors so named shall have the necessary capacity and classification. In making this certification, the [bidder] contractor shall certify that [his] the current qualification amount, less amount of uncompleted work which includes subcontracts except as permitted by § [457.15] 457.16 (relating to sublettings) [he] the contractor has under contract is sufficient to cover the amount of [his] the proposal. The making of a false certification shall constitute cause for rejection of the proposal of the [bidder] contractor.

(c) The [Secretary] Department may reject a bid at any time prior to the actual awarding of a contract if, in his judgment, the best interest of the Commonwealth will be promoted thereby, or if there have been developments subsequent to prequalification [and classification], which, in the opinion of the Secretary would affect the responsibility of the [bidder] contractor. In addition to the right of the Secretary to reject, a bid may be rejected if it appears that after the [prospective bid-

der] contractor was prequalified [and classified], [he] the contractor was [,] declared in default on a project, [his] or prequalification was suspended or withdrawn by the Department, or a major change occurred in the management of [his] the contractor's firm. Before taking the action, the [Secretary shall] Department will as soon as possible notify the [bidder] contractor and give [him] the contractor an opportunity to present additional information to the [Secretary or the Board of Review or both] Department.

§ 457.9. False certification with bid.

If a [bidder] contractor makes a false certification with regards to § 457.8(a) or (b), or both (relating to certification of classification and capacity), the [bidder] contractor shall pay to the Department as liquidated damages an amount equal to 5% of the total amount of the bid or [he] the contractor may be disqualified from bidding on future work for [a period of] 90 days, or both, as deemed appropriate. [Should] If the [bidder fail] contractor fails to make the payment within 30 days of notification, the [bidder] contractor shall be disqualified for [a period of] 1 year. An application for renewal of prequalification will not be considered by the Department until the [bidder] contractor makes payment. In lieu of the assessment of liquidated damages or disqualification, or both, the Secretary[, at his discretion,] may issue a warning to the [bidder] contractor making a false certification when the infraction is the first offense of the [bidder] contractor.

§ 457.11. [Subcontractors] Audit of contractor or subcontractor records.

(a) [Contractors proposing to engage in State highway work as subcontractors shall comply with the provisions of this chapter in regard to prequalification classification.

(b) No contractor engaged in State highway work under a contract with the Department may be permitted to sublet any part of the construction work to be performed under the terms of that contract to a subcontractor who has not been prequalified and classified in conformity with the provisions of this chapter except for those types of work excluded under § 457.5(b) (relating to classification) and who will exceed his current maximum capacity rating by accepting this new work.

(c) Sub-contracting will not normally be permitted; however, if special conditions warrant, sub-contracting may be allowed if approved by the Secretary.

(d) Subcontractors, named in the bid proposal may not be replaced without the approval of the Department.]

The Department reserves the right, upon 10 days notice to the contractor or subcontractor, to review records of the contractor or subcontractor either as part of a random periodic review or as part of a specific inquiry. These records would include records that substantiate information in Parts 1, 2 and 3 of the prequalification application.

§ 457.12. False statements in [**questionnaire**] **prequalification application** or at hearing.

A [**person**] **contractor, subcontractor or individual** who knowingly makes or causes to be made, a false, deceptive or fraudulent statement on the [**questionnaire**] **prequalification application** required to be submitted or [,] in the course of a hearing held under this chapter may be temporarily **suspended** or **may be debarred for a set period** or permanently [**disqualified**] from bidding on or **participating in** State **supervised or funded** highway construction work [**under the supervision of the Secretary**].

§ 457.13. Suspension or [**disqualification**] **debarment**.

(a) *Reasons for suspension or debarment.* The [**Secretary**] **Department** may temporarily suspend or [**disqualify**] **may debar, for a set period or permanently,** a [**prospective bidder, previously prequalified,**] **contractor, subcontractor or individual** from bidding on [**future**] or **participating in** State **supervised or funded** highway construction work for any of the following reasons:

- (1) **Unsatisfactory past performance.**
- (2) **Failure to complete the work or project in accordance with the specifications and contract.**
- (3) **Being declared in default on prior work or project.**
- (4) **Failure to refund any overpayment.**
- (5) **Bribing or giving gratuities to Department employees.**
- (6) **Unlawful or improper activities that render the prospective bidder unacceptable.**
- (7) **Debarment by Federal or State authorities.**
- (8) **Unbalancing bids.**
- (9) **Failure to submit documents or forms as required by the contract.**
- (10) **Other valid reason or cause.]**
 - (1) **Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.**
 - (2) **Commission of fraud or a criminal offense or other improper conduct or knowledge or approval of, or acquiescence in these activities by a contractor or an affiliate, officer, employe or other individual or entity associated with either obtaining, attempting to obtain or performing a public contract or subcontract. The contractor's acceptance of the benefits derived from the conduct shall be deemed evidence of knowledge, approval or acquiescence.**
 - (3) **Violation of Federal or State antitrust statutes.**
 - (4) **Violation of a State or Federal law regulating campaign contributions.**
 - (5) **Violation of a State or Federal environmental law.**

(6) **Violation of a State or Federal law regulating hours of labor, minimum wage standards or prevailing wage standards; discrimination in wages; or child labor violations.**

(7) **Violation of the Worker's Compensation Act (77 P. S. §§ 1—1041.4).**

(8) **Violation of a State or Federal law prohibiting discrimination in employment.**

(9) **Suspension or debarment by the Commonwealth or an agency thereof or an agency of another state or by an agency or department of the Federal government.**

(10) **Three or more occurrences when a contractor has been declared ineligible for a contract.**

(11) **Unsatisfactory performance including failure to comply with the terms of a Commonwealth contract or subcontract including:**

(i) **Willful failure to perform in accordance with the terms of one or more contracts, or a history of failure to perform, or of unsatisfactory performance of one or more contracts, or offering unbalanced bids.**

(ii) **Failure to complete the work in the time frame specified in the contract.**

(iii) **Being declared in default on prior work or project.**

(iv) **Failure to submit documents, information or forms as required by contract.**

(v) **Making false statements or failing to provide information or otherwise to cooperate with the contracting agency, the Office of State Inspector General or other Commonwealth authorities.**

(vi) **Discrimination in violation of laws or regulations in the conduct of business as a contractor.**

(12) **Providing false or misleading information to the Office of State Inspector General, Office of the Budget, the Department of the Auditor General, the Office of Attorney General, the Treasury Department, the Board of Claims, or other tribunal or court, the Department of Transportation, or a representative of an agency as part of any investigation, audit, program review, prequalification statement of certification, contract bids or proposals, contractor applications or claims for payment. This information includes: financial statements nondiscrimination forms; affidavits or statements of compliance with prevailing wage statutes; product descriptive literature and documents submitted in connection with claims for payment made or litigation against Commonwealth agencies.**

(13) **Other acts or omissions indicating a lack of skill, ability, capacity, quality control, business integrity or business honesty that seriously and directly affects the present responsibility of a contractor including any basis for debarment or suspension set forth in the Commonwealth's Contractor Responsibility Program, Management Directive 215.9.**

(b) *Substantial evidence.* **The filing of criminal charges or initiation of legal proceedings for any of the reasons in subsection (a)(1)—(8) may constitute substantial evidence for suspension.**

(c) *Debarment based on criminal conduct.* **Debarment solely on the basis of any of the reasons in**

subsection (a)(1)—(8) shall be based on a conviction or plea of guilty or no contest in a court of law or a finding, ruling or adjudication of guilt for noncompliance by a court of law, commission, board or administrative body. It is not required that the appeals process be completed or that a sentence or other penalty be imposed.

(d) *Effect of appeal.* The filing of an appeal does not constitute a basis for delay or postponement of a suspension/debarment action.

(e) *Suspension for criminal conduct.* If a contractor, subcontractor or individual is suspended because of the filing of criminal charges or initiation of legal proceedings for other applicable reasons in subsection (a)(1)—(8) and there has been no conviction or ruling sufficient to justify debarment within the suspension period, the Department may, if appropriate, based on all of the relevant facts, initiate debarment proceedings.

(f) *Denial or nonrenewal.* Denial of prequalification or refusal to renew prequalification for any of the reasons in this section shall constitute a suspension or debarment for the purposes of this chapter. The Department will advise the contractor in writing accordingly.

(g) *Suspension procedure.* When a suspension is imposed against a contractor or an affiliate, the Department will immediately notify the contractor and any specifically named affiliate, officer, employee or other individual or entity associated with the contractor, by certified mail, return receipt requested and regular mail that:

(1) It has been suspended for an initial period of up to 3 months accompanied by a concise statement of the reasons for the suspension.

(2) It has been declared ineligible for Department contracting and subcontracting pending the completion of investigation and ensuing legal proceedings. During the suspension period, the contractor shall make available all relevant documents, records and information to investigators.

(h) *Reply to suspension.* A contractor, subcontractor or individual suspended by the Department may, within 21 days after the suspension mailing date, submit, in person, in writing, or through a representative, information in opposition to the suspension. Upon review of the information or the completion of an investigation, or both, the Department will notify the contractor, subcontractor or individual whether the suspension shall be continued or withdrawn or whether debarment proceedings will be initiated.

§ 457.14 [Joint venture bids] Debarment appeals procedure.

(a) *General provisions.* A contractor, subcontractor or individual debarred by the Department under § 457.13 (relating to suspension or debarment) may appeal the debarment in writing within 10 working days after the mailing date of the notice of debarment. The appeal shall set forth the basis therefor.

(b) *Conformity with administrative practice and procedures; requests for hearing.* Debarment hearings will be in conformity with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), as supplemented by Chapter 491

(relating to administrative practice and procedure). A filing fee is not required for a debarment hearing. As set forth in § 491.3 (relating to request for hearing), requests for debarment hearings and all other papers relating to the case shall be filed with the Department's Administrative Docket Clerk at the following address:

Secretary of Transportation, Administrative Docket Clerk, c/o Office of Chief Counsel, 521 Transportation and Safety Building, Harrisburg, Pennsylvania 17120.

(c) *Informal meeting.* A contractor, subcontractor or individual debarred by the Department may, after filing an appeal, request an informal meeting with the Department prior to the holding of a debarment hearing for the purpose of discussion of the debarment action or presentation of additional evidence which the contractor, subcontractor or individual may want the Department to take into consideration. Requests for informal meetings shall be made in writing to the Prequalification Office. The Department will issue, within 10 working days after an informal meeting, a written notification of whether it is withdrawing or modifying the debarment action. The contractor, subcontractor or individual may then, at his option, continue with, amend or withdraw the appeal.

(d) *Debarment by other agencies.* A contractor, subcontractor, supplier or individual debarred by the Commonwealth or an agency thereof under the Commonwealth's Contractor Responsibility Program as set forth in Management Directive 215.9 shall be subject to debarment by the Department without right of appeal.

[§ 457.14] § 457.15. Joint venture bids.

(a) *Permissible combination.* A combination of [bidders] contractors which combination shall be limited to three participants unless otherwise stated in the proposal, and each of whom is prequalified in accordance with [the provisions of] this chapter, shall be permitted to bid jointly. Equal proportionate amounts of joint-bid shall be charged against the maximum capacity rating of each participant in a joint venture, unless otherwise indicated by the bidders in their proposal.

(b) *Joint and several responsibility.* [In the event] If a joint venture proposal is submitted, it shall be considered to be a proposal by each of the joint participants, jointly and severally, for the performance of the entire contract as a joint venture in accordance with the terms and conditions of the proposal.

(c) *Minimum performance capability.* Each participant in a joint venture shall be capable of performing at least 50% of the original contract price of their portion of the joint venture, or the bid will be rejected.

[§ 457.15] § 457.16. Sublettings.

(a) *Credit.* The contractor shall be given credit for sublettings on Department and Pennsylvania Turnpike Commission projects to which he makes reference in his proposal form, providing the proposed subcontractors are currently prequalified with the Department. Additional sublettings by the prime contractor shall be permitted if prequalified [contractors] subcontractors are proposed following the opening of bids; but the prime contractor may not be given credit in his total volume of work for additional sublettings.

(b) Subletting to suspended, debarred or disqualified contractors or subcontractors prohibited. Contractors or subcontractors engaged in State highway work under a contract with the Department, or otherwise participating in State supervised or funded highway construction work, may not sublet any part of the construction work to be performed under the terms of that contract to any contractor or subcontractor who is suspended, debarred or otherwise disqualified from bidding on or participating in State highway construction work under § 457.13 (relating to suspension or debarment).

[§ 457.16] § 457.17. Notification.

Contractors [shall be] are required to [promptly] notify in writing [this Department of significant changes affecting their capacity] the Prequalification Office within 30 days when there is a corporate or affiliate change, or a reduction of more than 20% of their maximum capacity rating, or both, as well as changes of information required by § 457.4(b) and [(e)] (c)(3)(xviii) (relating to statements to be furnished under oath). Failure to make the notification shall be cause for suspension of prequalification.

[Pa.B. Doc. No. 96-291. Filed for public inspection March 1, 1996, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits for 1996-1997

The Game Commission (Commission), at its January 23, 1996, meeting, proposed the following amendments to 58 Pa. Code:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 1996-1997 hunting license year.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (act).

The proposal was made public at the January 23, 1996, meeting of the Commission and comments on the proposal can be sent to the Executive Director of the Game Commission, 2001 Elmerton Ave., Harrisburg, PA 17110-9797, within 30 days of publication of this proposed rulemaking.

1. Introduction

The Commission at its January 23, 1996, meeting proposed changing § 139.4 to provide for seasons and bag limits for the 1996-1997 license year. These seasons and bag limits were proposed under sections 322(c)(1) and

2102(b)(1) of the act (relating to specific powers and duties; and regulations). Notable changes for the 1996-1997 year are the splitting of Turkey Management Area 1 into Areas 1A and 1B with different seasons in each, the creation of a special squirrel season for junior resident license holders and the starting of trapping season 1 week later.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the act specifically empowers the Commission to "... fix seasons ... and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the act mandates that the Commission promulgate regulations relating to seasons and bag limits. In order to encourage junior hunters, the Commission has decided to establish a special early squirrel season for junior resident license holders. In addition, because of the more developed nature of Erie and Crawford Counties, the Commission has decided to establish those counties as a separate Turkey Management Area (No. 1-B) with a fall season starting November 4, 1996. Finally, the proposed amendment involves the starting of trapping season on the traditional Thanksgiving, one week later than last year.

3. Regulatory Requirements

These proposed seasons and bag limits would establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

4. Persons Affected

Persons wishing to hunt and trap in this Commonwealth would be affected by these seasons and bag limits.

5. Cost and Paperwork Requirements

The proposed new seasons and bag limits would not result in any additional cost either to the Commission or to hunters and furtakers.

6. Effective Dates

The provisions of § 139.4 will be in effect July 1, 1996, to June 30, 1997.

7. Contact Persons

For further information on the proposed changes, the contact person is James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

(Editor's Note: The Commission is proposing to replace the existing text of § 139.4, which appears at 58 Pa. Code pages 139-3—139-10, serial pages (202759)—(202765), and replace it with the text in Annex A.)

DONALD C. MADL,
Executive Director

Fiscal Note: 48-92. No fiscal impact; (8) recommends adoption.

PROPOSED RULEMAKING

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

CAMERA COPY PAGE 1

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CAMERA COPY PAGE 5

[Pa.B. Doc. No. 96-292. Filed for public inspection March 1, 1996, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective February 20, 1996.

The organization chart at 26 Pa.B. 914 (March 2, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 96-293. Filed for public inspection March 1, 1996, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 5320]

Community Support Program (CSP) Principles— Statement of Policy

For a rulemaking relating to this statement of policy see 26 Pa.B. 867 (March 2, 1996).

(Editor's Note: The regulations of the Department of Public Welfare, 55 Pa. Code, are amended by adopting a statement of policy at § 5320.111.)

FEATHER O. HOUSTON,
Secretary

Fiscal Note: See Fiscal Note 14-412 at 26 Pa.B. 867, 874 (March 2, 1996).

Annex A

TITLE 55. PUBLIC WELFARE

PART VII. MENTAL HEALTH MANUAL

CHAPTER 5320. REQUIREMENTS FOR LONG-TERM STRUCTURED RESIDENCE LICENSURE

Subchapter L. STATEMENT OF POLICY

Sec.
5320.111. Community support program (CSP) principles—statement of policy.

§ 5320.111. Community support program (CSP) principles—statement of policy.

(a) An LTSR shall provide a 24-hour therapeutic environment which employs active psychiatric treatment, and psychosocial rehabilitation skills training in a structured residential milieu.

(b) LTSR operational policies and procedures should empower residents to taken an active role in their treatment and other decisions which affect their lives, including:

(1) Creating an environment which reduces stigma, promotes independence and fosters self-esteem.

(2) Policies and procedures that are flexible enough to accommodate cultural diversity among the residents and their individual and changing needs.

(c) The LTSR program philosophy should be guided by the CSP principles.

(d) The CSP philosophy is embodied in a set of guiding principles, emphasizing resident self-determination, individualized and flexible services, normalized services and service settings and service coordination:

(1) Services should be resident-centered. Services should be based on and responsive to the needs of the residents rather than the needs of the system or the needs of providers.

(2) Services should empower residents. Services should incorporate residents self-help approaches and should be provided in a manner that allows residents to retain the greatest possible control. As much as possible, residents should set goals for themselves. Residents should also be actively involved in all aspects of planning and delivering services.

(3) Services should be racially and culturally appropriate. Services should be available, accessible and acceptable to members of racial and ethnic minority groups.

(4) Services should be flexible. Services should be available whenever they are needed and for as long as they are needed. They should be provided in a variety of ways, with individuals able to move in and out of the system as their needs change.

(5) Services should focus on strengths. Services should be built upon the assets and strengths of residents in order to help them maintain a sense of identity, dignity and self-esteem.

(6) Services should be offered in the least restrictive, most natural setting possible. Residents should be encouraged to use the natural supports in the community and should be integrated into the normal living, working, learning and leisure time activities of the community.

(7) Services should meet special needs. Services should be adapted to meet the needs of subgroups of persons who are mentally ill such as elderly individuals, young adults and youth in transition to adulthood; individuals who are mentally ill and have substance abuse problems, mental retardation or hearing impairments; persons who are mentally ill and are homeless; and persons who are mentally ill and who are inappropriately placed within the correctional system.

(8) Service systems should be accountable. Service providers should be accountable to the users of the services and monitored by the State to assure quality of care and continued relevance to resident needs. Residents and families should be involved in planning, implementing, monitoring and evaluating services.

(9) To develop community support services, services should be coordinated by the appropriate officials through mandates or written agreements that require ongoing communication and linkages between participating agencies and between the various levels of government.

(10) To be effective, coordination should occur at the resident, community and State levels. In addition, mechanisms should be in place to ensure continuity of care and coordination between and among hospital and other community service providers.

[Pa.B. Doc. No. 96-332. Filed for public inspection March 1, 1996, 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 February 20, 1996.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-14-96	Wayne Bank Honesdale Wayne County Purchase of assets/assumption of liabilities of three branch offices of Meridian Bank, Reading, located at: Route 370 and Lake Como Road Lakewood Wayne County Richardson Avenue Shohola Pike County	Honesdale Jackson Street Thompson Susquehanna County	Approved
2-16-96	Johnstown Bank and Trust Company, Johnstown, and The Armstrong County Trust Company, Kittanning surviving institution— Johnstown Bank and Trust Company, Johnstown	Johnstown	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-16-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Giant Food Store S. Spring Garden St. Carlisle Cumberland County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-14-96	Integra Bank Pittsburgh Allegheny County	Bon Aire Shopping Center Route 8 Butler Butler County	Approved
2-14-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	1006 Market Street Harrisburg Dauphin County	Approved and Effective
2-16-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	100 Carlisle Plaza Carlisle Cumberland County	Approved

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

Charter Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-15-96	Trident Credit Union Philadelphia Philadelphia County	2325 Brown Street Philadelphia Philadelphia County	Approved

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-294. Filed for public inspection March 1, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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 proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

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

PA 0102041. Sewage, **Morrison Mobile Home Park**, R. D. 6, Box 457, New Castle, PA 16101.

This application is for a renewal of a Part I NPDES permit to discharge treated sewage to unnamed tributary to Big Run in Slippery Rock Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority on the Beaver River located near Beaver Falls, approximately 24 miles downstream from point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.01365 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	15	30

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia-Nitrogen (5-1 to 10-31)	11	22
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0221988. Sewage, **North Memorial Animal Hospital**, R. D. 2, Box 364, New Wilmington, PA 16142.

This application is for a new Part I NPDES permit to discharge treated sewage to unnamed tributary to the Shenango River in Wilmington Township, **Lawrence County**. This is a new discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of North Sewickley on the Beaver River located at North Sewickley, approximately 40 miles downstream from point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	20	40
Fecal Coliforms (all year)	200/100 ml as a geometric average	
Total Residual Chlorine	monitor and report	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0027367. Sewage, **Greenville Sanitary Authority**, 183 Hamburg Road, Greenville, PA 16125.

This application is a renewal of a Part I NPDES permit to discharge treated sewage to the Shenango River in Hempfield Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Reynolds Water Company on the Shenango River located in Pymatuning Township, Mercer County, approximately 2 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after chlorine disinfection) based on a design flow of 2.8 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31) (11-1 to 4-30)	20 25	30 40	40 50
Total Suspended Solids	30	45	60
Phosphorus	1.0		2.0
Ammonia-Nitrogen (5-1 to 10-31) (11-1 to 4-30)	7.5 22.5		15 45
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 22,500/100 ml as a geometric average		
Total Residual Chlorine (Interim Limits) (Final Limits)	.68 .24		2.2 .8
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

PA 0104370. Industrial waste, SIC: 3674, **Quality Components, Inc.**, Route 120, St. Marys, PA 15857.

This application is for a renewal NPDES permit to discharge untreated stormwater, water filter backflush, boiler condensate and non-contact cooling water for hot molding, presses and air compressors and a treated groundwater discharge to Elk Creek in Ridgway Township, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Clarion River and the Clarion District Pennsylvania-American Water Company located in Ridgway Township, Elk County, approximately 65 miles below point of discharge.

The proposed discharge limits for Outfall No. 201 based on a design flow of 0.000500 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Total Suspended Solids	30	60	77.5
Total Iron	2	4	5
Total Aluminum	4	8	10
Total Manganese	1	2	2.5
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.005659 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Temperature	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 based on a design flow of 0.006888 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Temperature	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 003 based on a design flow of 0.072000 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
1,1,1, Trichloroethane Trichloroethylene	monitor and report 0.004	0.010	0.010
1,1-Dichloroethane 1,2-Dichloroethylene	monitor and report monitor and report		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

PA 0056553. Industrial waste, **Great Valley Materials**, P. O. Box 466, Route 29 and Charlestown Road, Devault, PA 19432.

This application is for issuance of an NPDES permit to discharge untreated stormwater from Great Valley Materials in Charlestown Township, **Chester County**. This is an existing discharge to unnamed tributary to Pickering Creek.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			monitor/report
COD			monitor/report
Oil and Grease			monitor/report
Suspended Solids			monitor/report
Total Kjeldahl Nitrogen			monitor/report
Total Phosphorus			monitor/report
Iron (Dissolved)			monitor/report
pH			monitor/report

The EPA waiver is in effect.

PA 0053970. Sewage, **Dawn Holding Company**, 51 East Lafayette Street, P. O. Box 749, Norristown, PA 19401.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Martin's Mobile Home Village in West Nottingham Township, **Chester County**. This is an existing discharge to unnamed tributary to Northeast Creek.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001 based on an average flow of 12,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine (years 1 and 2)	1.0	2.5
(years 3, 4 and 5)	0.34	0.80
Fecal Coliforms (5-1 to 9-30)	200 colonies/100 ml as a geometric average	
(10-1 to 4-30)	2,000 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0024473. Sewage, **Parkesburg Borough Authority**, 329 West First Avenue, Parkesburg, PA 19365.

This application is for renewal of an NPDES permit to discharge treated sewage from Parkesburg Sewage Treatment Plant in Parkesburg Borough, **Chester County**. This is an existing discharge to Little Buck Run.

The receiving stream is classified for warm water fish, trout stocking, migratory fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 360,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	37.5	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	3	4.5	6
(11-1 to 4-30)	9	13.5	18
Phosphorus (as P)	20	3.0	
Total Residual Chlorine	monitor/report	monitor/report	monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions:

Conditions for future permit modification.

Permit expires per consent order and agreement.

The EPA waiver is in effect.

PA 0054178. Sewage, **Randy and Barbara Steskal**, 2953 Upper Ridge Road, Pennsburg, PA 18073.

This application is for renewal of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Marlborough Township, **Montgomery County**. This is an existing discharge to unnamed tributary to Macoby Creek.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0002577. Industrial waste, SIC: 3255, **Kittanning Brick Company**, R. D. 1, Box 279, Adrian, PA 16210-9631.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from the Kittanning Brick Company in Washington Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Kittanning Suburban Water Authority, 6.77 miles below the discharge point.

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30		60
Total Residual Chlorine			0.5		1.25
Oil and Grease			15		30
pH	6.0—9.0				

Outfall 002: existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30		60
Total Residual Chlorine			0.5		1.25
pH	6.0—9.0				

The EPA waiver is in effect.

PA 0002984. Industrial waste, SIC: 5171, **Star Enterprise**, 333 Research Court, Norcross, GA 30092.

This application is for renewal of an NPDES permit to discharge treated stormwater from the Pittsburgh Terminal in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters Thorn Run classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Midland Borough W.A., located at 10th and Railroad Streets, Midland, PA 15059, 25.2 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0046 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Recoverable Petroleum Hydrocarbons			monitor and report		

Outfall 002: new discharge, design flow of 0.0091 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Recoverable Petroleum Hydrocarbons					monitor and report
The EPA waiver is in effect.					

PA 0092878. Sewage, **Traders Path Homes, Inc.**, 100 Lorraine Drive, Lower Burrell, PA 15068.

This application is for renewal of an NPDES permit to discharge treated sewage from the Traders Path Mobile Homes Sewage Treatment Plant in the City of Lower Burrell, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of .025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.0			12.0
(11-1 to 4-30)	18.0			36.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine		1.4		3.3
pH	6.0—9.0			

The EPA waiver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

PA 0087238. Industrial waste, SIC: 8700, **Pennsylvania State University**, The Eisenhower Parking Deck, University Park, PA 16802. Application is for their Fruit Research Farm located in Butler Township, Adams County.

This application is for issuance of an NPDES permit for a new discharge of treated groundwater to an unnamed tributary of Conewago Creek, in Butler Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Supply Company located on the Susquehanna River, just north of Wrightsville Borough, 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 0.0144 mgd are:

<i>Parameter</i>	<i>Average Monthly (ug/l)</i>	<i>Maximum Daily (ug/l)</i>	<i>Instantaneous Maximum (ug/l)</i>
Benzene	1	2	2.5
Total BTEX	100	200	250
Toluene	monitor and report		
Xylene	monitor and report		
Ethylbenzene	monitor and report		
pH	within the limits of 6—9 s.u. at all times		

The EPA waiver is in effect.

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

PA 0063525. Sewerage, **Pocono Mountain School District**, c/o David Krauser, Superintendent, P. O. Box 200, Swiftwater, PA 18370-0200.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Clear Run, Coolbaugh Township, **Monroe 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 0.027 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
<i>CBOD₅</i>	10.0	20.0
Total Suspended Solids	10.0	20.0
NH ₃ -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus as "P"	1.0	2.0
Dissolved Oxygen	a minimum of 5.0 mg/l at all times	
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.20	2.80

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

Southcentral Regional Office: Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Reqmts.</i>
PA0081281	Calvary Heights Inc. 2160 Hanover Rd. Gettysburg, PA 17325	Adams Mt. Pleasant Twp.	UNT of White Run	CBOD ₅ TSS TRC
PA0084131	Gettysburg Area School District 900 Biglerville Rd. Gettysburg, PA 17325	Adams Franklin Twp.	UNT of Marsh Creek	TRC
PA0082945	Hamilton Twp. Board of Supervisors 272 Mummerts Church Road Abbottstown, PA 17301	Adams Hamilton Twp.	Conewago Creek	TRC
PA0083836	Pine Run Inc. 1880 Pine Run Road Abbottstown, PA 17301	Adams Hamilton Township	UNT of Conewago Creek	TRC

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the

responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

The application and related documents, including the erosion and sedimentation control plan for the construc-

tion activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

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

Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, telephone (717) 327-3669.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Ste. 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6131.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.

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

Allegheny County Conservation District, District Manager, 875 Greentree Road, Pittsburgh, PA 15220-3501, telephone (412) 921-1999.

NPDES Permit PAS10A083. Stormwater. **BTS West Mifflin LP**, One Gorham Island, Westport, CT 06880-3212 has applied to discharge stormwater from a construction activity located in West Mifflin Borough, **Allegheny County**, to Lewis Run.

NPDES Permit PAS10A084. Stormwater. **West Penn Power**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689 has applied to discharge stormwater from a construction activity located in Fawn and Harrison Townships, **Allegheny County** and Buffalo Township, Butler County, to Little Buffalo Creek.

Chester County Conservation District, District Manager, 610 Westtown Road, Government Services Center, West Chester, PA 19382-4519.

NPDES Permit PAS10G194. Stormwater. **Raymond and Shirley Sexton**, P. O. Box 240, Oxford, PA 19363 have applied to discharge stormwater from a construction activity located in East Nottingham Township, **Chester County**, to UNT to Big Elk Creek's west branch.

Northampton County Conservation District, District Manager, R. R. 4, Nazareth, PA 18064, telephone (610) 746-1971.

NPDES Permit PAS10U048. Stormwater. **M. A. Hanna Color**, 800 Satellite Boulevard, Suwanee, GA 30174 has applied to discharge stormwater from a construction activity located in Bethlehem Township, **Northampton County**, to Monocacy Creek.

Sullivan County Conservation District, District Manager, R. R. 4, Box 4181, Dushore, PA 18614.

NPDES Permit PAS106301. Stormwater. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 93 N. State Street, Wilkes-Barre, PA 18701-3195 has applied to discharge stormwater from a construction activity located in Colley Township, **Sullivan County**, to Birch and Pigeon Creeks.

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

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

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

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

WQM Permit No. 1096402. Sewage, **Lake Arthur Estates**, 2925 New Castle Road, Portersville, PA 16051 is for the construction of a new sewage treatment plant and modification of an existing sewage treatment plant in Muddy Creek Township, **Mercer County**.

WQM Permit No. 2496401. Sewage, **City of St. Marys**, 808 South Michael Road, P. O. Box 1994, St. Marys, PA 15857 is to replace the existing Iron Run Sanitary Sewer Interceptor with new, larger PVC piping and related appurtenances in St. Marys, **Elk County**.

WQM Permit No. 1096401. Sewage, **Allegheny-Clarion Valley Development Corp.**, P. O. Box 311, Foxburg, PA 16036 is for the construction and operation of a sanitary sewage collection and treatment system in Allegheny Township, **Butler County**.

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

A. 2696201. Industrial waste, **CNG Transmission Corporation**, 445 West Main Street, Clarksburg, WV 26301. Application for the construction and operation of an industrial wastewater treatment facility to compress natural gas into and out of storage and transporting the product through associated transmission pipelines to serve the North Summit Compressor Station located in North Union Township, **Fayette County**.

A. 0296402. Sewerage, **Metro Property Developers**, 300 Park Manor Drive, Pittsburgh, PA 15205. Application for the construction and operation of a sanitary sewer pump station and force main for a proposed commercial and business development to serve the Metro Property Restaurant Center (Pointe at North Fayette) located in North Fayette Township, **Allegheny County**.

Southcentral Regional Office: Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

A. 0596401. Sewage, **Snake Spring Township Municipal Authority**, R. D. 1, Box 453, Everett, PA 15537 in Snake Spring Township, **Bedford County** to expand/upgrade their existing wastewater treatment plant was received in the Southcentral Region on February 8, 1996.

A. 6796402. Sewage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Eppers, PA 17319 in Newberry Township, **York County** to reconstruct/replace the White Oak Pumping Station was received in the Southcentral Region on February 14, 1996.

A. 6796403 (96-1) amendment. Sewage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Eppers, PA 17319 in Newberry Township, **York County** to construct an equalization basin at the wastewater treatment plant was received in the Southcentral Region on February 14, 1996.

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

A. 6496401. Sewerage, **P & S Development Co.**, P. O. Box 194, Mount Pocono, PA 18344. Application to construct and operate a sewage treatment plant, pump stations, sewers and appurtenances to serve the Village Center at Hamlin, located in Salem Township, **Wayne County**. Application received in the Regional Office February 7, 1996.

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

Bureau of Water Supply and Community Health, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105, Contact Person: Godfrey C. Maduka, (717) 787-9037.

A. 9996217. **Great Spring Waters of America, Inc.**, P. O. Box 499, Poland Spring, Maine 04274; Kristin Gregory, Quality Control Manager. Applicant requests a major permit amendment to add a new spring source known as "Freedom Springs" located in Freedom, New Hampshire to their public water supply permit. Water from this source will be used to bottle their Poland Spring Natural Spring Water, Poland Spring Distilled Water, Deer Park Spring Water and Ice Mountain Spring Water brands to be sold in Pennsylvania.

Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

A. 6196501. Public water supply, **Country Estates Mobile Home Park**, R. D. 2, Box 12A, Summit City Road, Kennerdell, PA 16347-8706. This proposal involves permitting an existing water supply and adding well no. 2 (deep well) to the existing system. This proposal also involves the addition of two 5,000 gallon finished water reservoirs in Clinton Township, **Venango County**.

A. 4396503. Public water supply, **Lakeview Mobile Home Estates**, R. D. 1, Sandy Lake, PA 16148. This proposal involves the addition of water well W-1 to the existing public water supply S-1 in New Lebanon Borough, **Mercer County**.

Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

A. 0396502. Consolidation Coal Company. P. O. Box 1314, Morgantown, West Virginia 26507-1314. Noncommunity, nontransient public water system to serve Consolidation Coal Company's Kuhntown Portal, **Greene County**.

A. 3096502. Brady's Bend Township Water and Sewer Authority. R. D. 1, East Brady, PA 16028. Full scale pilot plant filtration project, **Armstrong County**.

Acknowledgment of Notices of Intent to Remediate

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

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

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

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

Former Caloric Facility, Topton Borough and Longswamp Township, **Berks County**. East Penn Manufacturing Company, Inc., c/o Louis A. Naugle, Esq., Reed Smith Shaw and McClay, P. O. Box 2009, Pittsburgh, PA 15230-2009, has submitted a Notice of Intent to Remediate site groundwater contaminated with perchloroethene, trichloroethene and chromium. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the Kutztown Patriot on February 15, 1996.

Former Caloric Facility, Topton Borough and Longswamp Township, **Berks County**. East Penn Manufacturing Company, Inc., c/o Louis A. Naugle, Esq., Reed Smith Shaw and McClay, P. O. Box 2009, Pittsburgh, PA 15230-2009, has submitted a Notice of Intent to Remediate site groundwater contaminated with heavy metals (other than chromium), volatile organic compounds (other than perchloroethene and trichloroethene) and semivolatiles organic compounds. 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 Kutztown Patriot on February 15, 1996.

Northwest Regional Office: John Fruehstorfer, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Cambridge Springs Area Volunteer Ambulance Service, 202 Venango Avenue, **Crawford County**, has submitted a Notice of Intent to Remediate soils and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Meadville Tribune* on January 24, 1996.

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

Olivett Property, Emporium Borough, **Cameron County**. Michael Morris, Manager, Industrial Services, Brockway Analytical, Inc., P. O. Box 265, Brockway, PA 15824 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead 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 *Bradford Era* on February 9, 1996.

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

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

remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

Baer Property, Eddystone Borough, **Delaware County**. Darryl D. Borelli, Suite 500, 401 City Ave., Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Times* on February 9, 1996.

Notice of Proposed Remedial Response

Quakertown Foundry Site Quakertown Borough, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), has proposed a remedial response at the Quakertown Foundry Site.

The Quakertown Foundry Site is located at 400 Mill Street in Quakertown, Bucks County. The site lies within both the Borough of Quakertown and Richland Township. The site covers approximately 22 acres and was the location of former foundry operations, dating back to 1923. It has had various ownerships throughout its history. Foundry operations ceased at the site in 1984 and the foundry buildings were demolished in 1987.

The primary wastes produced through foundry operations included casting sands, slag and baghouse dust. Foundry wastes were disposed of on the middle and rear portion of the site and have come to be located throughout the foundry site. Two tar dip pits also remain onsite. A neighboring midget football field is included in the definition of the site since fill material from the foundry was utilized in the construction of the field. A municipal supply well is located approximately 100 feet northwest of the site.

Baghouse dust samples have been found to contain significant quantities of leachable lead. Groundwater samples from a perched water table lying beneath the site have indicated lead concentrations above Maximum Contaminant Levels and pump tests have indicated that there may be a connection between the perched water table beneath the site and the aquifer from which the municipal supply well takes its water.

Soil samples have indicated high lead levels. From samples taken at surface level and subsurface, the Department has calculated that over 87,000 cu. yds. of contaminated fill exists at the Quakertown Foundry Site.

The Department conducted a Prompt Interim Response in December, 1992, during which an 8-foot high chain-link fence was constructed around the perimeter of the foundry site and the municipal football field. The purpose

of this action was to restrict public access to the site and thereby reduce the threat to public health and safety.

Based on the large amount of contaminated fill, the presence of hazardous waste, and the potential threat to the municipal supply well, the Southeast Region has placed the Quakertown Foundry Site on the Pennsylvania Priorities List for remedial action.

A variety of alternatives were considered by the Department for the Quakertown Foundry site. Those alternatives included the following:

A. Alternative 1, No Action: The No Action Alternative is utilized as a baseline against which all other alternatives are evaluated. If this alternative were selected, no further remedial action would be conducted at the site.

B. Alternative 2, Excavation and Off-Site Disposal: This alternative would involve a mechanical means of excavating and removing wastes and contaminated site soils. Disposal of wastes and soils would be to an approved hazardous waste Treatment/Storage/Disposal (TSD) facility. The foundry site would require backfilling with clean soil to return the property to its original grade.

C. Alternative 3, Capping/Containment: Three different varieties of Capping/Containment options were examined while evaluating applicable alternatives. These forms include a traditional cap, bottom sealing and vertical barriers. Each individual technology discussed would not be effective when implemented by itself. However, when several containment remedies are implemented in tandem, the technologies may work together to increase the effectiveness of the remedy.

(i) Cap: A cap would form a horizontal barrier overtop of the existing contamination at the site. There would be no removal of waste from the site. The purpose of a cap would be to attempt to eliminate the fugitive dusts or emissions from the site as well as prevention of water percolation through the wastes, therefore reducing the potential for material to leach into the groundwater.

(ii) Bottom Sealing: Bottom sealing involves the installation of a low-permeability barrier between the area of contamination and groundwater. A barrier is created by grout injection between the layer of contamination and groundwater. Bottom sealing is most effective when used in tandem with either a cap and/or vertical barriers and is able to encapsulate the area of contamination.

(iii) Vertical Barriers: Vertical barriers include slurry walls, grout sealing or sheet piling, and would prevent lateral migration of contaminants. When used in tandem with a horizontal barrier, they would aid in the formation of an effective barrier for the spread of contamination.

D. Alternative 4, Excavation, Soil Washing, Offsite Disposal: In this alternative, the soils are excavated and mixed with either water, surfactants, chelating agents or organic solvents depending on the most effective agent. The contaminants are concentrated into the silt or fine-grained fraction. This fraction is then rinsed, dewatered and typically requires management as hazardous waste.

E. Alternative 5, Excavation, Treatment, Onsite Disposal: Several forms of treatment alternatives were evaluated. Treatments may include chemical treatment and/or mineralization and/or physical treatment technologies. Disposal of the treated material will be onsite. The site would also require a modified soil cap and revegetation.

Physical treatment technologies include in situ or ex situ stabilization of contaminants with a stabilizing agent

with the possible addition of additives to enhance treatment. These technologies immobilize the contaminants so they will not migrate to groundwater.

Chemical treatment is a technology in which the contaminants undergo a chemical change from their present form into a fixed, insoluble form. Through this treatment, the lead and cadmium in the soil are bound into a form which does not leach into the groundwater.

F. Alternative 6, Excavation, Treatment, Offsite Disposal: Several forms of treatment alternatives were evaluated as potential selections. Treatments may include chemical treatment and/or mineralization and/or physical treatment. Disposal of the treated material will be offsite.

Physical treatment involves in situ or ex situ treatment of contaminants with a stabilizing agent and the possible addition of additives to enhance stabilization, offsite disposal, backfilling the site with uncontaminated material and revegetation of the site.

Chemical treatment is a technology in which the contaminants undergo a chemical change from their present form into a fixed, insoluble form. Through this treatment, the lead and cadmium in the soil are bound into a form which does not leach into the groundwater. Wastes and contaminated soils would be treated so as to permit their handling and disposal as a residual waste at a lawfully permitted disposal facility.

The Department's preferred alternative is Alternative No. 6, Excavation, Treatment and Offsite Disposal, with the specific treatment technology to be determined during the remedial design and bidding process. In addition, a more complete description of the site and the Department's Analysis of Alternatives and Proposed Response may be found in the Administrative Record at the locations listed below.

This notice is being provided under section 506(b) of HSCA (35 P. S. § 6020.506(b)) and 25 Pa. Code § 3.23.

An Administrative Record which contains the information that forms the basis and documents the selection of this response regarding the Quakertown Foundry Site is available for public inspection. The Administrative Record may be examined from 8 a.m. to 4 p.m. at the Department's offices at Suite 6010 Lee Park, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6000. Individuals interested in examining the Administrative Record should contact M. Thomas Mellott at (610) 832-5934 to arrange for an appointment.

An additional copy of the Administrative Record is available for review at the Bucks County Free Library, James A. Michener Branch, 229 California Road, Quakertown, PA 18951, telephone (215) 536-3306. Hours for the library are Monday, Tuesday and Wednesday, 1 p.m. to 9 p.m., Thursday, 1 p.m. to 5 p.m., and Friday and Saturday, 10 a.m. to 5 p.m. The library is closed on Sunday.

A public hearing is scheduled under section 506(d) of HSCA for Tuesday, April 9, 1996, at 7:30 p.m. at the Quakertown Borough Hall, 15-35 N. Second Street, Quakertown, PA 18951. Persons who want to present formal oral comments regarding this remedial response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Rob Goldberg, at (610) 832-6010.

Persons with a disability who wish to attend the April 9, 1996 meeting and require auxiliary aid, service or other accommodation to participate in the proceedings

should contact Rob Goldberg at the telephone number listed above or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

The public may also submit written comments regarding the Department's remedial response action during the period of public comment. Under section 506(c) of HSCA, the Department has established a period for public comment which shall run from the date of this notice through May 31, 1996. Written comments should be addressed to M. Thomas Mellott, Project Officer—ECP, at the Department's address listed above.

Individuals with questions concerning this notice should contact M. Thomas Mellott, (610) 832-5934.

Proposed Response under the Hazardous Sites Cleanup Act

Sellersville Inactive Landfill Sellersville Borough, Bucks County

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has proposed an interim response at the Sellersville Inactive Landfill site.

The Sellersville Inactive Landfill site is located at the corner of Twelfth and Main Sts. in Sellersville Borough. The Radium Company of America is believed to have operated a radium refining plant there during the period 1914—1921. A landfill containing volatile organic compounds, hazardous metals, PCBs and demolition waste was later deposited on the property during the 1940s. The site consists of an abandoned garage foundation and a 100' × 150' landfill located within a 10-acre, mostly wooded property.

The Department has determined that there is a threat to public health and the environment posed by hazardous waste (D008—Lead, D039—Tetrachloroethene, D040—Trichloroethene, Radium—²²⁶Ra). The Department has considered four alternatives for action at the site. The HSCA requires consideration of a No Action alternative. Complete capping of the wastes onsite would eliminate the immediate risks to the public, but would not be a permanent solution. Removing the radioactive wastes and capping the remainder would also eliminate risks, but it would not eliminate all the risks posed by the site permanently. This would not be protective of human health. Off site shipment and disposal of the wastes is a permanent solution that would eliminate the threat to public health posed by the site.

The Department is proposing to analyze, consolidate, transport and properly dispose of the hazardous wastes that are present at the site. This remedy is proposed because it is the most protective and permanent solution.

The Administrative Record, which contains the information that forms the basis for and documents the selection of this response action, is available for public review and comment. The Administrative Record is located at the Samuel Pierce Branch of the Bucks County Free Library, located at 491 Arthur Avenue, Perkasio, PA 18944, (215) 257-9718. The Administrative Record may also be reviewed at the DEP Regional Office located at 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Written comments concerning the Department's response and the information contained in the Administrative record will be accepted in person, if delivered, or by

mail, if postmarked on or before May 22, 1996. Written comments should be directed to the attention of Timothy Cherry, DEP Project Officer, at the above address. Timothy Cherry may be reached by telephone at (610) 832-6204.

In addition, the public will have an opportunity to present oral comments at a public hearing. The public hearing is scheduled for 7:30 p.m., Wednesday, April 17, 1996, at St. Paul's United Church of Christ at 104 Green Street, Sellersville, PA 18960. Persons wishing to present oral comments should register on or before the date of the public hearing by contacting Rob Goldberg, DEP Community Relations Coordinator, at (610) 832-6010.

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 Rob Goldberg or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 to discuss how the Department may meet their needs.

The Department is providing this notice under section 506(b) of HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period on the Administrative Record, as provided under that act.

Permit modification proposed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste management regulations for a general permit to process or beneficially use residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit Numbers: WMGR017 and WMGR017M001

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management proposes to modify General Permits WMGR017 and WMGR017M001, which were issued on June 16, 1995, for the beneficial use of drinking water treatment sludge as a soil conditioner on agricultural land. The Department proposes to change the Sodium (Na) level of 50 mg/kg as specified in Condition no. 2 of the permits to 3,500 mg/kg.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and section 287.611(a) of the Residual Waste Management Regulations to issue or modify general permits for any category of beneficial use or processing of residual waste on a regional or Statewide basis when the Department determines that such use or modification will not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard permit conditions. The Department has determined that the Na level of 50 mg/kg is inordinately low when compared to naturally occurring Na levels in native Pennsylvania soils. A Na level of 3,500 mg/kg is believed to be a more realistic level and will continue to be protective of the soils and the environment in general.

Comments concerning the proposed general permit modification may be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472,

Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit modification may contact the Division at (717) 787-7381. TDD users may contact the Division through the Pennsylvania Relay Service 1 (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, approval of, or disapproval of the proposed permit modification.

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

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permit Application No. **WMGR042. USS Mon Valley Works**, Edgar Thomson Plant, 13th and Braddock Avenue, Braddock, PA 15104. An application for the beneficial use of steel slag (BOP slag fines) to be used as a construction material for site development activities.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, 1 (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

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

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

A. 100280. National Waste and Energy Corporation, R. D. 2, Box 282A, Pleasant Valley Road, Irwin, PA 15642. Valley Landfill, R. D. 2, Box 282A, Pleasant Valley Road, Irwin, PA 15642. Application for a major permit modification for construction design changes to a landfill in Penn Township, **Westmoreland County**. Application received in the Southwest Regional Office on February 9, 1996.

Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

14-313-030B. The Department intends to issue an operating permit to **Ruetgers-Nease Corporation** (201 Struble Road, State College, PA 16801) for the operation of a chemical process facility (hydrotropes) in College Township, **Centre County**.

17-399-015A. The Department intends to issue an operating permit to **Laurel Manufacturing, Inc.** (P. O. Box 1047, DuBois, PA 15801) for the operation of a sintering furnace in DuBois, **Clearfield County**.

Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.

Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **46-302-189A**
Source: Boiler No. 2
Company: **McNeil Consumer Products**
Location: Whitemarsh
County: **Montgomery**

Application under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.

Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

11-318-018. Johnstown America Corporation (17 Johns St., Johnstown, PA 15907) for a shot blast operation at its Franklin Plant located in Franklin Borough, **Cambria County**.

26-308-018. Assad Iron & Metals, Inc. (P. O. Box 76, Brownsville, PA 15417) for a cyclone collector for a Coreco Inclined Rotary Furnace at its Brownsville Plant located in Jefferson Township, **Fayette County**.

56-307-001F. FirstMiss Steel, Inc. (P. O. Box 509, Hollsopple, PA 15935) for a baghouse for an oxygen converter at its Stony Creek Plant located in Quehahoning Borough, **Somerset County**.

65-329-005. CNG Producing Company (303 Airport Road, Indiana, PA 15701) for a natural gas engine at its Jacob's Creek Compressor located in South Huntingdon Township, **Westmoreland County**.

Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

30-306-004. The Department intends to issue an air quality control operating permit to **West Penn Power Company** (800 Cabin Hill Drive, Greensburg, PA 15601) for low NO_x burners with separated overfire air for coal-fired boiler no. 3 at its Hatfield Power station located in Monongahela Township, **Greene County**.

65-303-018. The Department intends to issue an air quality control operating permit to **Cycleclean, Inc.** (1000 South IH 35, Round Rock, TX 78681) for a fabric filter

and afterburner for a recycle asphalt system at its facility located in Mt. Pleasant Township, **Westmoreland County**.

65-307-062A. The Department intends to issue an air quality control operating permit to **Allegheny Ludlum Steel Corp.** (100 River Road, Brackenridge, PA 15014) for a fiber bed candle filter for the Zendimir cold rolling mill at its facility located in Vandergrift Borough, **Westmoreland County**.

65-307-078. The Department intends to issue an air quality control operating permit to **Latrobe Steel Company** (2626 Ligonier St., P. O. Box 31, Latrobe, PA 15650) for low NO_x burners for an annealing furnace at its facility located in Latrobe Borough, **Westmoreland County**.

MINING ACTIVITY APPLICATIONS

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. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

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

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such 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 Chs. 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.

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

Coal Applications Received

32960101. Dunamis Resources, Inc. (R. R. 4, Box 1542, Homer City, PA 15748), commencement, operation and restoration of bituminous strip-auger mine in Brushvalley Township, **Indiana County**, affecting 87.9 acres, receiving stream unnamed tributary to Brush Creek to Brush Creek, application received February 1, 1996.

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

17840126. E. P. Bender Coal Co., Inc. (P. O. Box 594, Carrolltown, PA 15722), transfer of an existing bituminous surface mine permit from McDonald Land & Mining Co., Inc., Jordan Township, **Clearfield County** affecting 341.7 acres, receiving streams Hunter Run, an unnamed tributary to Comfort Run and Comfort Run to North Witmer Run to Clearfield Creek, application received January 29, 1996.

17960106. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Morris Township, **Clearfield County** affecting 170.7 acres, receiving streams Hawk Run and two unnamed tributaries to Hawk Run, application received January 30, 1996.

17900132. Moshannon Falls Mining Co., Inc. (P. O. Box 472, 12 N. Front St., Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Bradford Township, **Clearfield County** affecting 197 acres, receiving streams Sulphur Run and Millstone Run to the west branch Susquehanna River and Valley Fork Run to Roaring Run to the west branch Susquehanna River, application received January 30, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

17961301. Power Operating Company, Inc. (P. O. Box 25, Osceola Mills, PA 16666), to operate the New Rosemary bituminous deep mine in Gulich Township, **Clearfield County**, receiving stream Moshannon Creek. Application received February 1, 1996.

32961301. Urey Coal Company (222 Forest Ridge Road, Indiana, PA 15701), to operate the Penn View bituminous deep mine in West Wheatfield Township, **Indiana County**, unnamed tributary to Blacklick Creek. Application received January 18, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

33850106. P & N Coal Co., Inc. (240 West Mahoning Street, Punxsutawney, PA 15767). Renewal of an existing bituminous, surface and auger operation in Gaskill Township, **Jefferson County**, affecting 369.0 acres. Receiving streams unnamed tributary to Clover Run, Stony Run to

Clover Run, East Branch Mahoning Creek to Mahoning Creek, Ugly Run to Mahoning Creek to the Allegheny River. Application received January 19, 1996.

33910103. Maud Mining Company (P. O. Box 729, Indiana, PA 15701). Renewal of an existing bituminous surface strip and auger operation in Young, Bell and McCalmont Townships, **Jefferson County** affecting 102.0 acres. Receiving streams an unnamed tributary to Elk Run and Elk Run. Application received January 24, 1996.

24840103. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous strip and auger operation in Fox and Horton Townships, **Elk County** affecting 407.0 acres. Receiving streams unnamed tributary to Toby Creek, Brandy Camp Creek, Curry Run. Application received January 31, 1996.

10930105. Rosebud Mining Company (R. D. 2, Box 324B, Parker, PA 16049). Transfer of an existing bituminous strip and auger operation in Bruin Boro and Parker Township, **Butler County** affecting 289.4 acres. This operation is being transferred from T.D.K. Coal Sales, Inc. Receiving streams Bear Creek, South Branch Bear Creek and unnamed tributaries to South Branch Bear Creek. Application received February 1, 1996.

16753156. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous strip and tipple refuse disposal operation in Toby Township, **Clarion County** affecting 164.0 acres. This renewal is for reclamation only. Receiving streams unnamed tributaries of Licking Creek. Application received February 1, 1996.

33800134. Planet Mining, Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Knox Township, **Jefferson County** affecting 111.5 acres. Receiving streams three unnamed tributaries to Indian Camp Run. Application received February 7, 1996.

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

Noncoal Applications Received

07960301. Grannas Brothers Stone & Asphalt Company, Inc. (P. O. Box 488, Hollidaysburg, PA 16648), commencement, operation and restoration of bituminous strip mine in Catharine Township, **Blair County**, affecting 195.0 acres, receiving stream unnamed tributary to Frankstown Branch Juniata River and Frankstown Branch Juniata River, application received February 5, 1996.

07960301. Grannas Brothers Stone & Asphalt Company, Inc. (P. O. Box 488, Hollidaysburg, PA 16648), commencement, operation and restoration of a limestone strip mine in Catharine Township, **Blair County**, affecting 195.0 acres, receiving stream unnamed tributary to Frankstown Branch Juniata River and Frankstown Branch Juniata River, application received February 5, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

20950301. Tionesta Sand & Gravel, Inc. d/b/a Wood Gravel Co. (P. O. Box 307, Tionesta, PA 16353). Transfer of an existing sand and gravel operation in Bloomfield Township, **Crawford County** affecting 29.5 acres. Receiving streams Pine Hollow Run and Bloomfield Run. Transfer from Wood Gravel Company. Application received January 22, 1996.

4877SM5. Tionesta Sand & Gravel, Inc. d/b/a Wood Gravel Co. (P. O. Box 307, Tionesta, PA 16353). Transfer of an existing sand and gravel operation in Steuben Township, **Crawford County** affecting 13.0 acres. Receiving streams Marsh Run. Transfer from Wood Gravel Company. Application received January 22, 1996.

20910304. Tionesta Sand & Gravel, Inc. d/b/a Wood Gravel Company (P. O. Box 307, Tionesta, PA 16353). Transfer of an existing sand and gravel operation in Steuben Township, **Crawford County** affecting 5.2 acres. Receiving streams no discharge. Transfer from Wood Gravel Company. Application received January 22, 1996.

20870305. Tionesta Sand & Gravel, Inc. d/b/a Wood Gravel Co. (P. O. Box 307, Tionesta, PA 16353). Transfer of an existing sand and gravel operation in Troy Township, **Crawford County** affecting 33.5 acres. Receiving streams Sugar Creek. Transfer from Wood Gravel Company. Application received January 22, 1996.

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

Permit Revision Received

11920108. K & J Coal Company, Inc. (P. O. Box 189, Westover, PA 16692), permit revision to modify the 103 acre surface mine permit to include the land application of sewage sludge in Chest Township, **Cambria County**, receiving streams unnamed tributary to Chest Creek and unnamed tributary to Rock Run to west branch Susquehanna River, application received February 5, 1996.

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).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW 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 Bureau or Field Office indicated as the responsible office.

Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), 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.

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

E07-251. Encroachment. New Enterprise Stone & Lime Co., Inc., P. O. Box 77, New Enterprise, PA 16664.

To construct and maintain a precast concrete box culvert having a span of 10 feet and a rise of 9 feet in Kettle Creek as part of an access road into a proposed subdivision located at the site of the breached Pottsgrove Reservoir (Bellwood, PA Quadrangle N: 4.3 inches; W: 14.2 inches) in Logan Township, **Blair County**.

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

E23-339. Encroachment. **Radnor Township**, 301 Iven Avenue, Wayne, PA 19087-5297. To remove two culvert road crossings which convey Ithan Creek (WF, TSF) beneath Creek Road and Iven Avenue near the point of their intersection. Also to construct and maintain replacement culverts: a 42-foot long twin 22-foot × 5-foot precast R. C. Box culvert which will convey flow beneath Creek Road, and a 35-foot long twin 22-foot × 5-foot precast R. C. Box culvert which will convey flow beneath Iven Avenue. The two proposed culverts will include construction of poured in place concrete endwall structures placed at the upstream and downstream ends. This project also includes a stream channel modification which consists of widening the channel for approximately 58 feet upstream of the Creek Road culvert and approximately 50 feet upstream of the Iven Avenue culvert, and also includes gabion wall construction and placement of riprap erosion protection along the modified channel banks and streambed. This site is located approximately 1 mile east from the intersection of S. R. 30 and S. R. 476 (Norristown, PA Quadrangle N: 6.7 inches; W: 17.3 inches) in Radnor Township, **Delaware County**.

E09-710. Encroachment. **George Hansen**, 1435 Rte. 113, Perkaspie, PA 18944. To maintain existing completed streambank stabilization which consists of three sections 140-foot, 273-foot and 428-foot long located along Morris Run (TSF) at a point approximately 2,000 feet downstream of Quarry Road (T-357) (Bedminster, PA Quadrangle N: 0.1 inch; W: 14.0 inches) in Hilltown Township, **Bucks County**.

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

E35-266. Encroachment. **William J. Towers**, 404 Storrs Street, Dickson City, PA 18519. To place fill in a de minimus area of wetlands less than or equal to 0.05 acre to regrade a residential parcel. The project is located immediately southeast of the intersection of Milnes Street and Middle Street approximately 0.3 mile west of the intersection of S. R. 0347 and S. R. 1037 (Scranton, PA Quadrangle N: 17.0 inches; W: 0.6 inch) in Dickson City, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E45-291. Encroachment. **William Koller**, 27 Roanoke Road, Bridgewater, NJ 08807. To construct and maintain a road crossing having dimensions of 135 feet by 10 feet through a de minimus area of PFO wetlands less than or equal to 0.05 acre to access a proposed single family residence. This project is located in Country Woods Estates Subdivision, Lot 25, Section 2, approximately 1,200 feet east of the intersection of Township Road T-630 (Coolbaugh Drive) and Stoney Brook Road (Bushkill, PA Quadrangle N: 14.7 inches; W: 16:0 inches) in Middle Smithfield Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

E64-167. Encroachment. **The Borough of Waymart**, P. O. Box 224, Waymart, PA 18472-0224. To construct and maintain two stormwater outfall structures along Van

Auken Creek (HQ-TSF, MF) to alleviate drainage problems on East Street. The project is located along East Street approximately 0.1 mile south of Water Street (Waymart, PA Quadrangle N: 14.9 inches; W: 4.4 inches) in the Borough of Waymart, **Wayne County** (Philadelphia District, Army Corps of Engineers).

ACTIONS

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

Any 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. 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.

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

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

Permits Issued

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

NPDES Permit No. PA 0221945. Sewage, **Eagle Crest Manor Mobile Home Park**, R. D. 5, Box 365, Meadville, PA 16335 is authorized to discharge from a facility located in Union Township, **Crawford County** to an unnamed tributary to Conneaut Outlet.

NPDES Permit No. PA 0033235. Sewage, **Warren County School District**, Pittsfield Elementary School, 104 West Third Avenue, Warren, PA 16365 is authorized to discharge from a facility located in Pittsfield Township, **Warren County**, to Brokenstraw Creek.

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

NPDES Permit No. PA0095745. Sewage, **Deer Lakes Mobile Home Park**, 19 Moretti Drive, Tarentum, PA 15084 is authorized to discharge from a facility located at Deer Lakes Mobile Home Park STP, West Deer Township, **Allegheny County** to tributary of Little Deer Creek.

NPDES Permit No. PA0204439. Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701 is authorized to discharge from a facility located at

Margaret No. 11 Mine—No. 2 Portal Bathhouse Sewage Treatment Plant, Kittanning Township, **Armstrong County** to north branch Cherry Run.

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

NPDES Permit No. PA-0062839. Sewerage. **Lake Adventure Community Association**, R. R. 3, Box 5000, Milford, PA 18337 is authorized to discharge from a facility located in Dingman Township, **Pike County** to an unnamed tributary to Birchy Creek.

NPDES Permit No. PA-0070114. Sewerage. **Melanie Manor Mobile Home Park**, P. O. Box 550, Elizabethtown, PA 17022 is authorized to discharge from a facility located in Union Township, **Schuylkill County** to Dark Run.

NPDES Permit No. PA-0060453. Sewerage. **Camp Lavi**, 301 Jordan Avenue, Woodmere, NY 11598 is authorized to discharge from a facility located in Buckingham Township, **Wayne County** to an unnamed tributary of Equinunk Creek.

NPDES Permit No. PA-0060861. Sewerage. **Wayne Highlands School District**, 474 Grove Street, Honesdale, PA 18431 is authorized to discharge from a facility located in Preston Township, **Wayne County** to an unnamed tributary to Equinunk Creek.

NPDES Permit No. PA-0060950. Sewerage. **Lackawanna Trail School District**, R. R. 1, Tunnel Hill, Factoryville, PA 18419 is authorized to discharge from a facility located in Clinton Township, **Wyoming County** to the south branch of Tunkhannock Creek.

Notices of Intent for Coverage under NPDES General Permit for Construction Activities and Department Final Actions

Bedford County Conservation District, District Manager, Fairlawn Ct. Ste. 4, 702 W. Pitt St., Bedford, PA 15522-8099, telephone (814) 623-6706.

Berks County Conservation District, District Manager, Agricultural Center, Leesport, PA 19533-0520, telephone (610) 372-4657.

Chester County Conservation District, District Manager, Gov. Serv. Ctr. Ste 395, 601 Westtown Rd., West Chester, PA 19382, telephone (610) 696-5126.

Clearfield County Conservation District, District Manager, 650 Leonard Street, Clearfield, PA 16830, telephone (717) 765-2629.

Columbia County Conservation District, District Manager, 1127A Old Berwick Road, Bloomsburg, PA 17815, telephone (717) 784-1310.

Erie County Conservation District, District Manager, 12723 Route 19, Waterford, PA 16441, telephone (814) 796-4203.

Lancaster County Conservation District, District Manager, 1383 Arcadia Road, Lancaster, PA 17601, telephone (717) 299-5361.

Union County Conservation District, District Manager, 60 Bull Run Crossing, Lewisburg, PA 17837, telephone (717) 523-8782.

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

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.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100413	Lois Foy 442 Lake Meade Dr. E. Berlin, PA 17316	Bedford Co. Juniata Twp.	Raystown Branch
PAR100414	Blue Triangle Hdws. P. O. Box 249 Everett, PA 15537	Bedford Co. W. Providence Twp.	UNT to Johns Branch
PAR100415	Bedford Elementary School 330 E. John St. Bedford, PA 15522	Bedford Co. Bedford Twp.	UNT to Raystown Br.
PAR10C132	Stauffer Reifsneider R. D. 4, Box 4051 Fleetwood, PA 19522	Berks Co. Oley Twp.	UNT to Manatawny Crk.
PAR10G136	City of Coatesville Authority 114 E. Lincoln Hwy. Coatesville, PA 19380	Chester Co. Sadsbury Twp.	Little Buck and Valley Run
PAR101720	City of DuBois P. O. Box 77, W. Scribner Ave. DuBois, PA 15801	Clearfield Co. City of DuBois	Pentz Run and Sandy Lick Crk.
PAR102121	Shangrila Dev. Corp. P. O. Box 660 Riverside, PA 16868	Columbia Co. Scott Twp.	Neel Run

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10K058	Greater Erie Indus. Dev. Company 2103 E. 33rd St. Erie, PA 16510	Erie Co. City of Erie	W. Br. Cascade Crk.
PAR10-O-192	PA Auction Services Business TRC 1190 Lancaster Rd. Manheim, PA 17545	Lancaster Co. Penn Twp.	Chickies Crk.
PAR10-O-193	School District of Lancaster 1020 Lehigh Ave. Lancaster, PA 17603	Lancaster Co. Lancaster City	Conestoga River
PAR106817	Arthur Keister Jr. P. O. Box 73 West Milton, PA 17886	Union Co. Kelly Twp.	W. Br. Susquehanna

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483, by any aggrieved person under The Environmental Hearing Board (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 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.

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

PAS-10-H047. Individual NPDES. **Michael Manning & Associates**, 1706 Kathryn Street, New Cumberland, PA 17070. To implement an erosion and sedimentation control plan for a single family housing development called Hickory Ridge subdivision on 46.4 acres in Hampden and East Pennsboro Townships, **Cumberland County**. The project is located just west of Acri Meadow Road (Harrisburg West, PA Quadrangle N: 4.2 inches; W: 11.1 inches). Drainage will be to Holtz Run and Conodoguinet Creek.

PAS-10-I024. Individual NPDES. **Hershey Creamery Company, Inc.**, 301 Cameron Street, Harrisburg, PA 17101-1821. To implement an erosion and sedimentation control plan for the construction of an industrial facility on 105 acres in Lower Swatara Township, **Dauphin County**. The project is located on the west side of North Union Street approximately 2,000 feet north of Fulling Mill Road (Middletown, PA Quadrangle N: 19.9 inches; W: 16.2 inches). Drainage will be to the Swatara Creek.

Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 422-4000.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A078	Wyncliffe 103 Warlington Circle McMurray, PA 15317	Upper St. Clair Twp.	UNT McLaughlin Run

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, telephone (610) 832-6130.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D049	C&M Developers, Inc. 2421 Bristol Road Warrington, PA 18976	Plumstead Township Bucks County	Deep Run

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

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

WQM Permit No. 2495405. Sewage, **Highland Township Municipal Authority**, P. O. Box 148, James City, PA 16734. This permit is for the installation of approximately 9,000 linear feet of new sanitary sewer lines with appurtenances, a suction lift pump station, and a 35,000 gpd prefabricated extended aeration sewage

treatment plant in Highland Township, **Elk County**.

WQM Permit No. 1095202. Industrial waste, **Armco, Inc.**, P. O. Box 832, Route 8 South, Butler, PA 16003. This permit is for plans to design a waste acid clarification and sludge dewatering facilities in Butler Township, **Butler County**.

WQM Permit No. 4396401. Sewerage, **William L. Bloodsaw, Jr.**, SRSTP, 714 Lee Ave., Farrell, PA 16121. Construction of William L. Bloodsaw, Jr. SRSTP located in Shenango Township, **Mercer County**.

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

Permit No. 0495201. Industrial waste. **Veka, Inc.**, 100 Veka Drive, Fombell, PA 16123. Construction of PVC Window and Door Profile Manufacturer located in Marion Township, **Beaver County** to serve the Fombell Plant.

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

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.

Jefferson Township, Lackawanna County

The Department has completed reviewing the Act 537 Official Plan Revision for Jefferson Township, dated June 1995, including supplemental information as transmitted to us under cover of letters from John Devine, Smith Environmental Technologies Corporation, dated October 19, 1995, and January 16, 1996. The Department finds the plan revision acceptable and hereby grants planning approval for the proposed project.

The proposed plan, identified as Alternative III-A, calls for construction of a sewage collection and conveyance system and a 0.410 million gallons per day sewage treatment facility to serve large portions of the Township. The treatment plant will discharge to an unnamed tributary of the west branch Wallenpaupack Creek. The plan also calls for construction of a sewage collection system to serve the Moosic Lakes area, which will connect to the proposed Lackawanna River Basin Sewer Authority's Moosic Mountain Business Park interceptor. The Department's review of this plan revision has not identified any significant environmental impacts resulting from this proposal.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20(a)) (Act 537), and Chapter 71 of the Department's Regulations (25 Pa. Code Ch. 71), the Department will hold Jefferson Township responsible for the complete and timely implementation of this plan.

Conceptual approval leaves to be addressed at a later date: (1) the effluent limitations to satisfy special protection requirements and to protect health and (2) specific treatment technologies.

Please note that the Department does not interpret the language contained in the plan and in the Adopting Resolution regarding PENNVEST funding to mean that implementation of the Plan is contingent upon receipt of a 1% interest rate loan from PENNVEST.

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

Location: Muhlenberg Township, Berks County, 555 Raymond Street, Hyde Park, Reading, PA 19605.

The approved plan provided for analysis of changing existing sewage disposal to a new Township owned and operated wastewater treatment plant or continued service through the City of Reading facilities. Continued service through the City is the chosen alternative. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Location: Snake Spring Township, Bedford County, 615 South Thomas Street, Bedford, PA 15522.

The approved plan provided for expansion of an existing .13 mgd wastewater treatment facility to a total capacity of .285 mgd. The primary purpose of the expansion is to serve future growth. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority.

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.20).

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

Permit No. 1595512. Public water supply. **Modern Mushroom Farms, Inc.**, P. O. Box 340, Avondale, PA 19311. This permit is to permit the existing unpermitted public water supply system which consists of seven wells in New Garden Township, **Chester County**.

Type of Facility: Public water supply.

Consulting Engineer: Tetra Tech, Inc., Harish K. Mital, P.E., 56 West Main Street, Christiana, DE 19702.

Permit to Construct Issued: February 13, 1996.

Permit No. 4695506. Public water supply. **North Penn Water Authority**, 300 Forty Foot Road, Lansdale, PA 19446. The applicant is approved to construct a pumping station at Old Morris Road in Lower Salford Township, **Montgomery County**.

Type of Facility: Public water supply.

Consulting Engineer: North Penn Water Authority, 300 Forty Foot Road, Lansdale, PA 19446.

Permit to Construct Issued: February 12, 1996.

Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

Permit No. 3791502. Public water supply. **Bessemer Borough**, P. O. Box 789, Bessemer, PA 16112. This permit application was submitted for approval of RW no. 1 and RW no. 2 as sources of supply, abandonment of well no. 2 as a source of supply and the installation of contact tanks to supplement the chlorine contact time prior to the first customer in Bessemer Borough, **Lawrence County**.

Type of Facility: Public water supply.

Consulting Engineer: John G. Zabetakis, P.E., 838 Lakeview Avenue, New Castle, PA 16001.

Permit to Construct Issued: February 9, 1996.

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

Permit No. 3895505. Myerstown Water Authority, Borough of Myerstown and Jackson Twp., **Lebanon County,** (Roger T. Karsnitz, 101 East Washington Avenue, Myerstown, PA 17067), construction of a 750 gpm booster pump station to serve the "Cricket Crossing" development and installation of related distribution network.

Permit No. 3695509. Denver Borough Authority of Lancaster County, Borough of Denver, **Lancaster County,** (George F. Gemmel, Borough Manager, 501 Main Street, Denver, PA 17517), project consists of the development of a 300 gpm well, construction of a chemical treatment building for disinfection and installation of 255 feet of 24-inch pipe for chlorine contact time.

Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

Permit No. 0292504-A2. Public water supply. Plum Borough Municipal Authority, 4555 New Texas Road, Pittsburgh, PA 15239.

Type of Facility: Crestview Pump Station Improvement.

Consulting Engineer: R. F. Mitall & Associates, Inc., 117 Sagamore Hill Road, Pittsburgh, PA 15239.

Permit to Construct Issued: February 14, 1996.

Permit No. 5677503-A1. Public water supply. Hooversville Borough Municipal Authority, P. O. Box 176, Main Street, Hooversville, PA 15936.

Type of Facility: Addition of Aqua Mag.

Consulting Engineer: Neilan Engineers, Inc., 1065 Tayman Avenue, Somerset, PA 15501.

Permit to Construct Issued: February 14, 1996.

Acknowledgement of the Submission of Final Reports on Attainment of Background and Statewide Health Standards (Sections 302(e)(2) and 303(h)(2)).

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995 (P. L. 4, No. 2).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (the act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or 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 in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office

listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports.

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

Hunter Farm Site, West Deer Township, **Allegheny County.** Hunter Farm Site, 4389 Clendenning Road and R. D. 5, Box 550, Gibsonia, PA 15044 has submitted a Final Report addressing soil contaminated with lead, heavy metals, solvents, PHCs and asbestos. The report is intended to document remediation of the site to meet the Statewide health standard.

Woodings-Verona Tool Works, Borough of Verona, **Allegheny County.** Woodings-Verona Tool Works, 400 Jones Street, Verona, PA 15147-0126 has submitted a Final Report addressing soil contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

Framesi—USA, Borough of Coraopolis, **Allegheny County.** Framesi—USA, 400 Chess Street, Coraopolis, PA 15108 has submitted a Final Report addressing soil contaminated with PHCs, PAHs and Diesel Fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Fortress Trucking Limited, R. R. 1, Elora, ON N0B 1S0, Canada; License No. **PA-AH 0512**; license issued February 16, 1996.

Salesco Systems USA Inc., -AZ, 5736 West Jefferson Street, Phoenix, AZ 85043; License No. **PA-AH 0508**; license issued February 14, 1996.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Environmental Industrial Services Corp. of New Jersey, 100 Naamans Road, Building 2-H, Claymont, DE 19703; License No. **PA-AH 0457**; license issued February 14, 1996.

Environmental Preservation Associates, Inc., 5290 West Coplay Road, Whitehall, PA 18052; License No. **PA-AH 0404**; license issued February 14, 1996.

General Chemical Corporation, 138 Leland Street, Framingham, MA 01701; License No. **PA-AH 0374**; license issued February 14, 1996.

Metropolitan Environmental Inc., P. O. Box 378, Celina, OH 45822; License No. **PA-AH 0289**; license issued February 14, 1996.

Midwest Guardian, Inc., P. O. Box 2041, Wapakoneta, OH 45895; License No. **PA-AH 0453**; license issued February 14, 1996.

Sullivan's Trucking Company, Inc., Ponca City, OK 74602; License No. **PA-AH 0454**; license issued February 14, 1996.

Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Environmental Industrial Services, Corp. of New Jersey, 100 Naamans Road, Building 2-H, Claymont, DE 19703; License No. **PA-AH 0457**; amended license issued February 14, 1996.

Environmental Preservation Associates, Inc., 5290 West Coplay Road, Whitehall, PA 18052; License No. **PA-AH 0404**; amended license issued February 14, 1996.

General Chemical Corporation, 138 Leland Street, Framingham, MA 01701; License No. **PA-AH 0374**; amended license issued February 14, 1996.

Metropolitan Environmental, Inc., P. O. Box 378, Celina, OH 45822; License No. **PA-AH 0289**; amended license issued February 14, 1996.

Midwest Guardian, Inc., 100 Keller Drive, P. O. Box 2041, Wapakoneta, OH 45895; License No. **PA-AH 0453**; amended license issued February 14, 1996.

Sullivan's Trucking Company, Inc., P. O. Box 2164, Ponca City, OK 74602; License No. **PA-AH 0454**; amended license issued February 14, 1996.

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

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

Beneficial Use No. BU30031. Wheelabrator Clean Water Systems, (180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). Application for the use of sewage sludge pellets as a fertilizer at a site located in Conoy Township, **Lancaster County**. Permit issued in the Regional Office February 9, 1996.

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

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

Permit No. 101100. Mountain View Reclamation Landfill, Community Refuse Limited, (9760 Letzberg Road, Greencastle, PA 17225). Application for modification for the addition of Stouffer Borrow Area at a site in Antrim and Montgomery Townships, **Franklin County**. Permit issued in the Regional Office February 15, 1996.

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

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

Permit No. 301242. USA Waste of Fairless Hills, 20 Steel Road, Fairless Hills, PA 19030. This permit is for re-issuance of a Waste Management permit formerly held by Clean Soils, Inc., to USA Waste of Fairless Hills, Inc. for the continuing operation of a residual waste, virgin petroleum contaminated soil processing facility located in Falls Township, **Bucks County**. Permit was issued in the Southeast Regional Office on February 7, 1996.

Applications withdrawn 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, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

A. 300824. U. S. Steel, Fairless Works, 600 Grant Street, Pittsburgh, PA 15219-2749. This permit application which was a closure plan for U. S. Steel, Fairless Works has been withdrawn because the Slag Disposal Site Area A was never utilized for disposal of slag. The application was returned and our review was terminated in the Southeast Regional Office on January 24, 1996.

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

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

Permit No. 300824. U. S. Steel—Fairless Works, 600 Grant Street, Pittsburgh, PA 15219-2749. This permit was revoked because the facility indicated they do not utilize Area A for the disposal of slag located in Falls Township, **Bucks County**. Permit was revoked in the Southeast Regional Office on February 8, 1996.

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

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

Permit ID No. 301287. Teledyne Allvac—Latrobe Residual Waste Landfill, P. O. Box 151, Route 981 North, Latrobe, PA 15650. Operation of a residual waste landfill in Derry Township, **Westmoreland County**. Permit increasing the maximum and average daily volumes approved in the Regional Office on February 8, 1996.

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

Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

59-304-006B. On January 10, 1996, plan approval was issued to **Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912) for the installation of air cleaning

devices (fabric collectors) on various ferrous casting grinders and blasting units in Blossburg Borough, **Tioga County**.

49-318-028A. On January 11, 1996, plan approval was issued to **J. B. Poindexter d/b/a Leer, Inc.** (R. D. 1, Box 142, Milton, PA 17847) for the modification of a fiberglass truck cap surface coating operation in Milton Borough, **Northumberland County**.

8-399-030A. On January 12, 1996, plan approval was issued to **Osram Sylvania, Inc.** (Box 504, Towanda, PA 18848-0504) for the installation of air cleaning devices (a cartridge collector and an absolute filter) on various pieces of metal powder processing equipment in North Towanda Township, **Bradford County**.

60-318-009. On January 16, 1996, plan approval was issued to **The New Columbia Joist Company** (P. O. Box 31, New Columbia, PA 17856-0031) for the construction of two surface coating dip tanks in White Deer Township, **Union County**.

8-318-026. On January 18, 1996, plan approval was issued to **E. I. duPont de Nemours & Company, Inc.** (R. R. 1, Box 15, Towanda, PA 18848-9784) for the construction of a film coater (coater no. 9) and associated air cleaning device (a recuperative thermal oxidizer) in North Towanda Township, **Bradford County**.

8-318-012E. On January 18, 1996, plan approval was issued to **E. I. duPont de Nemours & Company, Inc.** (R. R. 1, Box 15, Towanda, PA 18848-9784) for the construction of four coating solutions mix tanks, a waste solvent hold tank and a parts washer to be controlled by an existing air cleaning device (a regenerative thermal oxidizer) in North Towanda Township, **Bradford County**.

17-399-016A. On January 23, 1996, plan approval was issued to **HPM Industries, Inc.** (P. O. Box P, DuBois, PA 15801) for the construction of a sintering furnace and associated air cleaning device (a stack afterburner) in the City of DuBois, **Clearfield County**.

14-399-009C. On January 31, 1996, plan approval was issued to **Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) for the construction of two ceramic chip capacitor binder removal ovens and associated air cleaning devices (thermal afterburners) in Ferguson Township, **Centre County**.

Availability of Final General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (AQ-GPA/GP-1)

The Department of Environmental Protection (Department) finalized the General Plan Approval and General Operating Permit No. BAQ-GPA/GP-1 for Small Gas and No. 2 Oil Fired Boilers. Notice regarding the availability of a draft general permit was published at 25 Pa.B. 5532 (December 2, 1995).

The draft was revised in accordance with comments received. Copies of the following are now available: the final general permit BAQ-GPA/GP-1; an application form; and a summary of the comments and the Department's responses to those comments. Any of these documents may be obtained by contacting Kimberly Maneval, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

The documents have also been placed on the Department's World Wide Web site which can be accessed by typing <http://www.dep.state.pa.us>.

MINING ACTIVITY ACTIONS

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

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

Coal Permits Issued

17830129. Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 504.3 acres, receiving streams Laurel Run and unnamed tributaries to Moshannon Creek, application received October 30, 1995, permit issued January 31, 1996.

17850120. M. B. Energy, Inc. (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), renewal of an existing bituminous surface mine permit in Bell Township, **Clearfield County** affecting 902.4 acres, receiving streams Haslett Run and two unnamed tributaries to Haslett Run to the west branch of the Susquehanna River, application received December 6, 1995, permit issued January 30, 1996.

17850124. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 92.5 acres, receiving streams Japling Run to Clearfield Creek to west branch Susquehanna River, application received November 22, 1995, permit issued January 30, 1996.

17900116. Doverspike Brothers Coal Company (R. D. 4, Box 271, Punxsutawney, PA 15767), renewal of an existing bituminous surface mine permit in Brady Township, **Clearfield County** affecting 291 acres, receiving streams Stump Creek, the east branch Mahoning Creek, and unnamed tributaries to east branch Mahoning Creek, application received November 9, 1995, permit issued January 31, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

32841302. Greenwich Collieries Division of Pennsylvania Mines Corporation, (P. O. Box 367, Ebensburg, PA 15931), to revise the permit for the No. 2 South bituminous deep mine in Green Township, **Indiana County** to add pumping and treatment at No. 580 shaft and sludge injection at M-16 and T-8 boreholes, receiving stream south branch of Two Lick Creek. Permit issued February 2, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54900102R. Meadowbrook Coal Company (P. O. Box 477, Lykens, PA 17048), renewal of an existing

anthracite surface mine operation in Frailey Township, **Schuylkill County** affecting 56.1 acres, receiving stream Good Spring Creek. Renewal issued February 5, 1996.

54773005R2. Reading Anthracite Company (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in East Norwegian and Blythe Townships and St. Clair Borough, **Schuylkill County** affecting 2,108.8 acres, receiving stream none. Renewal issued February 5, 1996.

54693031R2. Joe Kuperavage Coal Company (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 307.5 acres, receiving stream unnamed tributary to Silver Creek. Renewal issued February 6, 1996.

54850103R2. Michael Coal Company (R. D. 1, Box 40A, Tower City, PA 17980), renewal of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 217.6 acres, receiving stream Lower Rausch Creek and Goodspring Creek. Renewal issued February 8, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted

64950803. MBK Associates, LLC (Tar Hollow Road, P. O. Box 776, Hancock, NY 13783), commencement, operation and restoration of a small bluestone quarry operation in Buckingham Township, **Wayne County** affecting 4.0 acres, receiving stream none. Authorization granted February 5, 1996.

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)).

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302), sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) (Note:

Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description

Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

E07-250. Encroachment. Appleton Papers, Inc., 100 Paper Mill Road, Roaring Spring, PA 16673. To construct and maintain a 42-inch diameter vertical concrete caisson in the channel of Halter Creek as one of the eight supports for a proposed addition to an existing boiler building located at the downstream portion of Appleton Papers, Inc. No. 3 Coal Boiler Building (Roaring Spring, PA Quadrangle N: 16 inches; W: 4.3 inches) in Roaring Spring Borough, **Blair County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E31-123. Encroachment. Department of Transportation, 1620 North Juniata St., Hollidaysburg, PA 16648. To remove an existing structure and to construct and maintain a reinforced concrete box culvert having a span of 24 feet and a rise of 6 feet in Sugar Run for highway maintenance purposes located on S. R. 2014, Segment 10, Offset 1088 about 0.2 mile east of its intersection with Route 747 (Butler Knob, PA Quadrangle N: 7.75 inches; W: 6.5 inches) in Shirley and Cromwell Townships, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E36-597. Encroachment. C. E. Development, Inc., 1547 Oregon Pike, Lancaster, PA 17601. To fill a de minimus area of wetlands less than or equal to 0.05 acre along a tributary to the Conestoga River on Lots No. 22 and 23 for the construction of single family dwellings along the east side of Brookhaven Drive in the Clearview Estates residential development (Lancaster, PA Quadrangle N: 12 inches; W: 6.1 inches) in Manheim Township, **Lancaster County**.

E50-174. Encroachment. PP&L, 2 North 9th Street, Allentown, PA 18101-1179. To maintain five 2-foot diameter corrugated plastic culvert pipes in Sugar Run previously installed under General Permit No. 8 (Temporary Road Crossings), GP085095103, for the purpose of providing access to a power line right-of-way located on the north side of L. R. 50001 just west of its intersection with L. R. 50039 (Millerstown, PA Quadrangle N: 3 inches; W: 9 inches) in Tuscarora Township, **Perry County**.

Permits Issued and Actions on 401 Certification

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

E33-171. Encroachment. Eagle Environmental, L. P., 9 Logan Blvd., Altoona, PA 16603. To construct and maintain three precast concrete arch culverts having natural bottoms for the relocation of T-580 associated with the construction of Happy Landing Landfill. Culvert No. 1 is 20 feet wide by 4 feet high across 0.07 acre of a 5.57 area wetland and is located approximately 500 feet west of S. R. 0219. Culvert No. 2 is 32 feet wide by 8 feet high across a tributary to Wolf Run and is located approximately 400 feet west of S. R. 0219. Culvert No. 3 is 16 feet wide by 6 feet high across 0.05 acre of a 0.48 acre wetland and is located approximately 350 feet west of S. R. 0219 (Falls Creek, PA Quadrangle N: 11.65 inches; W: 3.4 inches) located in Washington Township, **Jefferson County**.

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

E09-667. Encroachment. **Salem Harbour Associates**, 455 Old Bridge Road, Andalusia, PA 19020. To reconstruct and maintain 554 linear feet of damaged wooden bulkhead at the Salem Harbour Marina and replace and maintain an existing boat travel lift providing boat access into and out of the water. This permit authorizes reconstruction of the landing platform which is connected to the floating dock and placement of stone riprap in front of the reconstructed bulkhead. Also, to dredge and restore an approximately 280 ft. x 280 ft. area within the Salem Harbour Marina to a maximum average depth of 3.8 feet below the existing marina bottom. This project consists of the removal of approximately 11,000 cubic yards of sediment deposits which will be dewatered and stored in a containment facility to be constructed within the existing parking lot of the marina. The site is situated along the west bank of the Delaware River, approximately 1,000 feet southeast of the intersection of State Road and Harbour Drive (Beverly NJ-PA Quadrangle N: 10.3 inches; W: 14.0 inches) in Bensalem Township, **Bucks County**.

E09-703. Encroachment. **Fish and Boat Commission**, 450 Robinson Lane. To perform perpetual routine maintenance at the Fish and Boat Commission's Upper Black Eddy boat access (Frenchtown, PA Quadrangle N: 11.75 inches; W: 13.75 inches) in Bridgeton Township; at the Yardley boat access (Pennington, PA Quadrangle N: 0.75 inch; W: 13.5 inches) in Lower Makefield Township; at the Levittown Lake boat access area (Trenton West, PA-NJ Quadrangle N: 4.0 inches; 9.63 inches) in Tullytown Borough; at the Riegelsville boat access (Riegelsville, PA Quadrangle N: 15.38 inches; W: 9.63 inches) in Durham Township; at the Southeast Fisheries Management Office (Bedminster, PA Quadrangle N: 22.5 inches; W: 11.0 inches) in Haycock Township; and at the potential hatchery/administration site located near Ingham Springs (Lambertville, PA Quadrangle N: 19.0 inches; W: 16.5 inches) in Solebury Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E46-727. Encroachment. **Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. To perform perpetual routine maintenance in the Schuylkill River at the Fish and Boat Commission's Port Providence (Oaks) boat access (Collegeville, PA Quadrangle N: 0.5 inch; W: 15.0 inches) in Upper Providence Township and the Limerick boat access (Linfield) (Phoenixville, PA Quadrangle N: 15.38 inches; W: 9.0 inches) in Limerick Township, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E46-711. Encroachment. **Township of Upper Moreland**, 117 Park Avenue, Willow Grove, PA 19090. To remove the existing 14-foot long bridge with a 3.5-foot underclearance and to construct and maintain a single 37-foot long new precast concrete bridge at the same location across Flamingo Creek. The bridge will have an underclearance of 3.67 feet. Bridge construction also necessitates channel reconstruction utilizing riprap protection and gabion side walls for distance of 80 feet upstream and downstream of the new bridge. This site is located approximately 200 feet southeast of the intersection of Flamingo Road and Monument Avenue (Hatboro, PA Quadrangle N: 10.6 inches; W: 15.5 inches) in Upper

Moreland Township and Hatboro Borough, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

E46-718. Encroachment. **Lower Salford Township**, 474 Main Street, Harleysville, PA 19438. To construct and maintain a 30-foot long x 6-foot wide timber pedestrian bridge with an approximate 8-foot underclearance across the 100-year floodway of the west branch of Skippack Creek. The site is located approximately 2,900 feet east of the intersection of Route 113 and Yoder Road (Telford, PA Quadrangle N: 6.0 inches; W: 17.0 inches) in Lower Salford Township, **Montgomery County**.

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

E13-094. Encroachment. **Carbon County**, Courthouse Annex, P. O. Box 129, Jim Thorpe, PA 18229-0129. To place fill in a de minimus area of wetlands less than or equal to 0.05 acre as part of a trail enhancement/restoration project, having a total length of 1,050 feet. The project is located at the Carbon County Environmental Education Center, approximately 0.6 mile east of the intersection of S. R. 3012 and S. R. 0902 (Nesquehoning, PA Quadrangle N: 14.2 inches; W: 12.4 inches) in Summit Hill Borough, **Carbon County**.

E39-297. Encroachment. **Department of Transportation**, District 5-0, 1713 Lehigh Street, Allentown, PA 18103-4727. To remove the existing structure and to construct and maintain a 30-foot x 5-foot Twin Cell Concrete Box Culvert (depressed 6 inches into the streambed) across Leibert Creek. The project is located at the intersection of S. R. 0029, Section 02B and Leibert Creek approximately 0.1 mile east of the Pennsylvania Turnpike Northeast Extension (Allentown West, PA Quadrangle N: 4.7 inches; W: 1.9 inches) in Emmaus Borough, **Lehigh County**.

E39-300. Encroachment. **Lehigh County Authority**, 1053 Spruce Road, P. O. Box 3348, Allentown, PA 18106-0348. To construct and maintain an underground pumping station and associated appurtenances within the floodway of the Little Lehigh Creek. The project is associated with the Western Lehigh Relief Facilities Phase II, Stage 2 and is located on the south side of S. R. 3001 approximately 0.5 mile southwest of the intersection of S. R. 2012 and S. R. 3001 (Allentown West, PA Quadrangle N: 7.8 inches; W: 10.7 inches) in Lower Macungie Township, **Lehigh County**.

E40-416. Encroachment. **Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a single-span composite prestressed concrete spread box beam bridge, having a normal span of 32.0 feet and a minimum underclearance of 10.65 feet, across Harveys Creek. Construction of the wingwalls and abutments will affect a de minimus area of wetlands less than or equal to 0.05 acre. The bridge is located on S. R. 1059, Section 370 (T-809, Lehman Township Road), approximately 200 feet south of the intersection of S. R. 0118 and T-809 (Harveys Lake, PA Quadrangle N: 9.8 inches; W: 6.8 inches) in Lehman Township, **Luzerne County**.

E40-430. Encroachment. **Borough of Harveys Lake**, P. O. Box 60, Harveys Lake, PA 18618. To excavate within the channel and floodway and to maintain the restored channel along a 1,200-foot reach of Harveys Creek, for the purpose of restoring the hydraulic capacity of the

reach. The project (DEP Bureau of Flood Protection Projects—Stream Improvement Project No. S40:146) extends from a point 255 feet downstream of the S. R. 0415 bridge at the outlet of Harveys Lake, downstream to the Outlet Drive Bridge (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 7.2 inches) in the Borough of Harveys Lake, **Luzerne County**.

E45-285. Encroachment. **Larry Simon**, P. O. Box 160, Shawnee-on-Delaware, PA 18356. To place and maintain approximately 485 L. F. of 2-inch diameter PVC pressure sanitary sewer line under Little Sambo Creek and in adjacent wetlands to serve the proposed Craigs Meadow Residential Subdivision. The project is located 650 feet southwest of T524 (Craigs Meadow Road) approximately 0.5 mile northwest of its intersection with B. R. 0209 (East Stroudsburg, PA Quadrangle N: 7.1 inches; W: 3.0 inches) in Smithfield Township, **Monroe County**.

E52-131. Encroachment. **Forest Lake Club**, R. R. 1, Box 333, Hawley, PA 18428-9718. To remove an existing boathouse and to construct and maintain a 6-slip, pile supported boathouse, having dimensions of 42 feet wide × 20 feet long in Corilla Lake. This project is located on the east side of S. R. 4003, approximately 800 feet north of Township Road T-441 (Narrowsburg, NY-PA Quadrangle N: 5.3 inches; W: 12.0 inches) in Lackawaxen Township, **Pike County**.

E52-133. Encroachment. **Forest Lake Club**, R. R. 1, Box 333, Hawley, PA 18428-9718. To construct and maintain a 4-slip, pile supported boathouse having dimensions of 28 feet wide by 20 feet long in Forest Lake. This project is located along the southwest shore on the east side of S. R. 4003 approximately 2,600 feet north of Township Road T-441 (Narrowsburg, NY-PA Quadrangle N: 6.1 inches; W: 11.5 inches) in Lackawaxen Township, **Pike County**.

E54-218. Encroachment. **Charles A. Gurski**, 918 Deiberts Valley Road, Schuylkill Haven, PA 17972. To maintain a 12 foot × 24 foot deck in the floodway of Red Creek to be used for recreational purposes. This project is located at the rear of the property at 918 Deiberts Valley Road (Township Road T-657), approximately 3,000 feet west of S. R. 2011 (Friedensburg, PA Quadrangle N: 21.3 inches; W: 1.2 inches) in South Manheim Township, **Schuylkill County**.

Final Actions under section 401 of the Federal Water Pollution Control Act

The Department of Environmental Protection 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, 400 Market Street, Floor 2, 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.

Permits Issued

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

Certification Request Initiated By: E. Raymond Beringer, Chief, Regulatory Branch, U. S. Army Corps of Engineers, Pittsburgh District, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186.

Location: Conemaugh River Lake, Conemaugh Township, Indiana County and Derry Township, Westmoreland County.

Project Description: To remove sediment accumulated upstream from the Conemaugh River Dam by dredging the lake in an area approximately 500 feet wide by 600 feet in length. The accumulated sediment is interfering with the operation of the dam gates and remedial action is necessary to assure project safety and operability. The proposed disposal area will impact approximately 7 acres of wetlands within the lake boundary and impacts will be mitigated at the disposal site and/or other sites on Federal property.

Final Action on Request: The certification granted is subject to the following condition:

1. The proposed activity must comply with Chapters 93, 95, 102 and 105 of the Department's Rules and Regulations and all other applicable State regulations and other State requirements.

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

Southwest Regional Office: Regional Manager; Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

Permits Issued on January 31, 1996.

WA 65-1001. Water Allocation. **Municipal Authority of the Borough of Avonmore**, Avonmore Borough, Westmoreland County. The right to purchase up to 175,000 gallons per day (gpd) of water (662,375 liters per day), as a 30-day average, from the Municipal Authority of Westmoreland County, Greensburg, **Westmoreland County, PA**.

SPECIAL NOTICES

Public Hearing Notice

Lanchester Landfill

The Department of Environmental Protection (DEP) will hold a formal public hearing on March 21, 1996, from 7 p.m. until 9 p.m. in the Caernarvon Fire Hall. The Department will accept public comments on a major permit modification application for the Lanchester Landfill in Caernarvon Township, Lancaster County. The application requests an overfill expansion of the permitted facility. The proposed 45-acre landfill unit is located within and immediately adjacent to Lanchester's existing permit area.

A copy of the application is available for review at the Department's Southcentral Regional Office, One Ararat Boulevard, Harrisburg. Those interested in reviewing the application should contact Mary DiSanto at (717) 540-5018 to schedule an appointment.

Each individual will have 10 minutes for his/her presentation. The comments received will be considered by DEP in completing its review and prior to taking final

action concerning the application. The hearing will not be a question and answer session.

Anyone intending to make a presentation at the hearing should contact Mary Ann Fischer at (717) 541-7969 on or before March 19, 1996.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should call Mary Ann Fischer at the above telephone number. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

[Pa.B. Doc. No. 96-295. Filed for public inspection March 1, 1996, 9:00 a.m.]

Money-Back Guarantee Permit Review Program

Effective March 4, 1996, the Department of Environmental Protection will add over 30 new permits to the DEP Money-Back Guarantee Permit Review Program. The program, established August 23, 1995, by Governor's Executive Order 1995-5, originally included 19 permit types. The Money-Back Guarantee Permit Review Program establishes clear timelines for the processing of certain DEP permits. Should the Department fail to meet the published processing time, the permit application fee will be returned automatically to the applicant. The following permit types are not included in the program:

- Oil and Gas PIT Approval
- Oil and Gas Dust Approval
- Oil and Gas Pillar Permit
- Coal Preparation Plant
- Coal Refuse Disposal
- Coal Refuse Reprocessing
- Hazardous Waste Transporter License
- Infectious and Chemotherapeutic Waste Transporter License
- Residual Waste Beneficial Use and Processing Prior to User General Permit, Determination of Applicability and Registration
- Infectious and Chemotherapeutic Processing General Permit, Determination of Applicability and Registration

Municipal Waste Form R—Waste Analysis and Classification Plan

Municipal Waste Form 35—Disposal of ICW

Municipal Waste Form 36—Disposal of municipal incinerator ash residue

Municipal Waste Form FC-1—Disposal of virgin fuel contaminated soil

Municipal Waste Beneficial Use or Coal Ash

Municipal Waste Yard Waste Composting

Water Quality Management Part II—Industrial Waste

Water Quality Management Part II—Sewerage Extension

Water Quality Management Part II—Sewerage Treatment Plant

Public Water Supply—Community Water System Minor Amendment

Public Water Supply—Bottled Water System—Operations

Public Water Supply—Retail Water System—Operations

Public Water Supply—Vended Water System—Operations

Public Water Supply—Vended Water System—New Construction

Public Water Supply—Vended Water System—Major Amendment

Public Water Supply—Vended Water System—Minor Amendment

Public Water Supply—Bulk Water Hauler—Operations

Public Water Supply—Noncommunity Water System—Operations

For additional information about the processing times for the above named permits or the 19 permits announced in the original Executive Order, contact the local regional office or mining district office for a DEP Money-Back Guarantee Fact Sheet or Kim Nelson at Nelson.Kimberly@a1.DEP.STATE.PA.US. More information is also available on the DEP World Wide Web site at: <http://www.dep.state.pa.us> (choose What's New).

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-296. Filed for public inspection March 1, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Program Bid Items

Under the provisions of section 510 of The Administrative Code of 1929 (P. L. 165, No. 67), the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Equip. No.</i>	<i>Location</i>
Tractor Compressor	Schramm	028318	DPW-Polk Center
Backhoe Tractor	Case	028311	DPW-Ebensburg Center
(Tricycle) Tractor	Farmall	028303	DPW-Hbg. State Hospital
(Tricycle) Tractor	International	028304	DPW-Hbg. State Hospital
Backhoe	John Deere	103611	Scotland School for Veterans' Children
Front End Loader	Ford	80595	Scranton State School for the Deaf
Articulated Loader	Yale	038-8043	PA Dot-Meadville
Automatic Loader	John Deere	023-1385	PA Dot-Meadville
Backhoe/Loader	Case	183-6056	PA Dot-Mercer
Wood Chipper	Olather	033-2529	PA Dot-Mercer
Tandem Excavator	Gradall	064-6365	PA Dot-Mifflintown

<i>Item</i>	<i>Make</i>	<i>Equip. No.</i>	<i>Location</i>
Rigid Tandem Grader	Galion	349-6672	PA Dot-Montoursville
Articulated Loader	John Deere	098-1385	PA Dot-Montoursville
All Wheel Grader	Austin Western	305-3671	PA Dot-Selinsgrove
Articulated Loader	Caterpillar	026-1387	PA Dot-Wellsboro
Tailgate Spreader	Flink	371-1810	PA Dot-Clarks Summit
Tailgate Spreader	Swenson	046-7814	PA Dot-Clarks Summit
Tailgate Spreader	Swenson	619-7814	PA Dot-Clarks Summit
Tractor Mower	Ford	182-6911	PA Dot-Stroudsburg
Rubber Tire Loader	Case	158-1056	PA Dot-Doylestown
Walk Behind Roller	Essick	005-1433	PA Dot-West Chester
Tractor Mower	Masse Ferg	014-6917	PA Dot-Lancaster
Tandem Grader	Galion	494-1672	PA Dot-New Bloomfield
Articulated Grader	John Deere	030-6678	PA Dot-Mercer
All Wheel Dr. Grader	John Deere	028-6678	PA Dot-Franklin
Crawler Loader	John Deere	129-8385	PA Dot-Greensburg
Backhoe/Loader	Case	210-6056	PA Dot-Waynesburg
Articulated Grader	Champion	004-1682	PA Dot-Greensburg
Backhoe	Case	177-6056	PA Dot-Waynesburg
Excavator-Hydraulic	Koehring	001-6368	PA Dot-Warren
Rubber Tire Loader	John Deere	001-1385	PA Dot-Butler
Front End Loader	John Deere	036-1385	PA Dot-Clearfield County
Bucket Loader	John Deere	080-1385	PA Dot-Punxsutawney

The above will be sold to the highest responsible bidder by sealed bid sale. Those political subdivisions which are interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, Harrisburg, PA 17105 or call (717) 787-4085 prior to the bid opening on April 5, 1996, at 1 p.m. to receive a bid proposal.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-297. Filed for public inspection March 1, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

CON-95-A-2444-B: Albert Einstein HealthCare Network, 5501 Old York Road, Philadelphia, PA 19141. The project involves developing a freestanding Ambulatory Surgery Center with four operating rooms at 9880 Bustleton Avenue, Northeast Philadelphia, at an estimated cost of \$2,500,000.

CON-95-H-2544-B: Aliquippa Hospital, 2500 Hospital Drive, Aliquippa, PA. The project involves the re-establishment of the diagnostic cardiac catheterization program at no capital cost.

CON-95-H-2368-B: Shadyside Hospital, 5230 Centre Avenue, Pittsburgh, PA. The project involves the establishment of a 26 bed hospital-based skilled nursing unit through conversion of acute beds, at an estimated cost of \$350,000.

CON-95-H-2477-B: Sycamore Creek Nursing Center, 234 Coraopolis Road, Coraopolis, PA 15108. The applicant proposes an addition of 30 long-term care beds at this Allegheny County facility. The total estimated project cost is \$1,872,115.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning March 2, 1996. Interested persons, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Albert Einstein HealthCare Network public meeting will begin at 1 p.m. and Aliquippa Hospital public meeting will begin at 3 p.m., Tuesday, April 9, 1996. Shadyside Hospital public meeting will begin at 1 p.m. and Sycamore Creek Nursing Center public meeting will begin at 3 p.m., Friday, April 26, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

PETER J. JANNETTA, M.D.,
Secretary

[Pa.B. Doc. No. 96-298. Filed for public inspection March 1, 1996, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Office of Vocational Rehabilitation; Statewide Public Meetings

The Office of Vocational Rehabilitation (OVR) has been established by State and Federal law to provide vocational rehabilitation services to individuals with disabilities. Those laws require OVR to operate under State and Strategic Plans, which must be reviewed and, if necessary, revised annually. OVR is required by law to conduct public meetings in order to evaluate the effectiveness of its Plans. Accordingly, OVR has scheduled meetings throughout the State.

Participation and suggestions from customers and providers of OVR services will be helpful. OVR will address all concerns. Suggested topics for discussion:

- How satisfactory are OVR services?
- What changes should OVR make to its program?
- How do OVR's plans, policies and procedures affect you?

All meeting sites are accessible. Interpreters for persons who are deaf or hard of hearing will be present at all meetings. For additional information or special accommodations, call the telephone number listed for that meeting; for copies of the State or Strategic Plans, call Andrew Chopak at 1 (800) 422-6351 (Voice/TT).

Persons who cannot attend the public meetings may mail comments to Gil Selders, Executive Director, Office of Vocational Rehabilitation, 1300 Labor and Industry Building. Telephone calls will be taken at 1 (800) 442-6351 (Voice/TT).

Public meeting locations:

Allentown (Carbon, Lehigh, Monroe and Northampton Counties) Wednesday, April 3, 1996, 2 p.m. to 4:30 p.m. and 5:30 p.m. to 7 p.m., Banko Community Family Center, 2545 Schoenersville Road, Bethlehem, PA 18017, 1 (800) 922-9536 (Voice/TT).

Altoona (Bedford, Blair, Centre, Fulton and Huntingdon Counties) Thursday, March 28, 1996, 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Center for Independent Living of Southcentral Pennsylvania, Wolf Office Building—First Floor, 1501 Eleventh Avenue, Altoona, PA 16601, 1 (800) 442-6343 (Voice/TT).

DuBois (Cameron, Clearfield, Elk, Jefferson and McKean Counties) Wednesday, March 27, 1996, 11 a.m. to 1 p.m., St. Marys Job Center, 301 Depot Street, St. Marys, PA 15857, 1 (800) 922-4017 (Voice) or 1 (814) 371-7505 (TT); Thursday, March 28, 1996, 11 a.m. to 1 p.m., Office of Vocational Rehabilitation, 199 Beaver Drive, DuBois, PA 15801, 1 (800) 922-4017 (Voice) or 1 (814) 371-7505 (TT).

Erie (Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties) Wednesday, March 27, 1996, 3 p.m. to 6 p.m., Office of Vocational Rehabilitation, Conference Room, 2500 Highland Road, Hermitage, PA 16148, 1 (800) 541-0721 (Voice) or 1 (814) 871-4535 (TT).

Harrisburg (Dauphin, Cumberland, Juniata, Lebanon, Mifflin and Perry Counties) Wednesday, March 27, 1996, 2 p.m. to 5 p.m. and 6 p.m. to 8 p.m., Office of Vocational

Rehabilitation, Conference Room, 2971-B North Seventh Street (Uptown Plaza), Harrisburg, PA 17110, 1 (800) 442-6352 (Voice/TT).

Johnstown (Cambria, Indiana, Somerset and Westmoreland Counties) Wednesday, March 20, 1996, 3 p.m. to 6 p.m., Hiram G. Andrews Center Seminar Theater, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905, 1 (800) 762-4223 (Voice/TT).

New Castle (Armstrong, Beaver, Butler and Lawrence Counties) Tuesday, March 26, 1996, 10 a.m. to 2 p.m., Office of Vocational Rehabilitation, Conference Room, 100 Margaret Street, New Castle, PA 16101, 1 (800) 442-6379 (Voice/TT).

Philadelphia (Philadelphia County) Tuesday, March 19, 1996, 3 p.m. to 7 p.m., Office of Vocational Rehabilitation, 444 North Third Street—Fifth Floor, Conference Room, Philadelphia, PA 19123, 1 (800) 442-6381 (Voice) or 1 (215) 560-6144 (TT).

Pittsburgh (Allegheny County) Tuesday, April 2, 1996, 2 p.m. to 5 p.m., Allegheny Intermediate Unit, Horace Mann Room, 2nd Floor, 200 Commerce Court Building, Station Square, Pittsburgh, PA 15219-1178, 1 (800) 442-6371 (Voice/TT).

Reading (Berks and Schuylkill Counties) Wednesday, March 20, 1996, 1 p.m. to 3 p.m. and 5 p.m. to 7 p.m., Office of Vocational Rehabilitation, Conference Room, 1090 Commons Boulevard, Reading, PA 19605-3332, 1 (800) 442-0949 (Voice) or 1 (610) 378-4433 (TT).

Rosemont (Bucks, Chester, Delaware and Montgomery Counties) Wednesday, April 3, 1996, 3 p.m. to 7 p.m., Eastern Instructional Support Center, 200 Anderson Road, King of Prussia, PA 19406, 1 (800) 221-1042 (Voice) or 1 (610) 525-5835 (TT).

Washington (Fayette, Greene and Washington Counties) Monday, March 18, 1996, 2:30 p.m. to 5:30 p.m., Office of Vocational Rehabilitation, Conference Room, 201 West Wheeling Street, Washington, PA 15301, 1 (800) 442-6367 (Voice/TT).

Wilkes-Barre (Bradford, Columbia, Lackawanna, Luzerne, Pike, Sullivan, Susquehanna, Wayne and Wyoming Counties) Tuesday, March 19, 1996, 2 p.m. to 4 p.m., Office of Vocational Rehabilitation, Conference Room, 665 Carey Avenue, Wilkes-Barre, PA 18702, 1 (800) 634-2060 (Voice/TT); Tuesday, March 26, 1996, 2 p.m. to 4 p.m., Northeast Pennsylvania Center for Independent Living, 431 Wyoming Avenue, Scranton, PA 18503, 1 (800) 634-2060 (Voice/TT).

Evening testimony/comments available by appointment. Please call Jean at 1 (800) 634-2060 (Voice/TT).

Williamsport (Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties) Wednesday, March 27, 1996, 1:30 p.m. to 4 p.m., Tioga County Job Center, 146 East Avenue, Ames Plaza, Wellsboro, PA 16901, 1 (800) 442-6359 (Voice) or 1 (717) 327-3620 (TT); Thursday, March 28, 1996, 1:30 p.m. to 4:30 p.m. and 5:30 p.m. to 7 p.m., Office of Vocational Rehabilitation, Conference Room—Suite 102, The Grit Building, 208 West Third Street, Williamsport, PA 17701, 1 (800) 442-6359 (Voice) or 1 (717) 327-3620 (TT).

York (Adams, Franklin, Lancaster and York Counties) Tuesday, April 2, 1996, 2 p.m. to 6 p.m., Office of Vocational Rehabilitation, Conference Room—Suite 101,

2550 Kingston Road, York, PA 17402-3792, 1 (800) 762-6306 (Voice/TT).

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 96-299. Filed for public inspection March 1, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Notice of Rule Change; Cash Assistance and Medical Assistance Programs

By this notice, the Department of Public Welfare (Department) announces its intent to amend 55 Pa. Code Chapters 125, 133 and 141 relating to the Cash Assistance and Medical Assistance Programs. The changes to policy are based on amendments to the Public Welfare Code, P. L. 31, No. 21, as amended by Act No. 1995-20.

Sections 5 and 9 of Act 1995-20, effective June 30, 1995, added new sections to the Public Welfare Code, 62 P. S. §§ 432(9) and 481.1, respectively.

Section 432(9) prohibits the Department from granting cash assistance to a person who had been sentenced for a felony or a misdemeanor offense and who has not satisfied the penalty imposed by law by completing the sentence and paying all fines, costs and restitution. This change will affect persons who apply for and currently receive assistance under the General Assistance (GA) program.

Section 481.1 prohibits the Department from granting cash or Medical Assistance to a person summoned to appear as a defendant at a criminal court proceeding who has failed to comply with the summons or warrant. This change will affect persons who apply for and currently receive assistance under the GA Cash Assistance and the GA-related Medical Assistance Programs.

Although the amendments of the act pertain to the Aid to Families with Dependent Children (AFDC) program as well as the GA and Medical Assistance Programs, the provisions are only being applied, at this time, to the GA Cash Assistance and GA-related Medical Assistance Programs until a Federal waiver can be secured for AFDC.

The Income Maintenance Bulletin which follows contains the citations of 55 Pa. Code sections that are amended as a result of the changes of the Public Welfare Code.

This Rule Change has been reviewed by the Office of General Counsel and the Office of the Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1994-1(2), 24 Pa. B. 2347 (April 30, 1994) and will be in effect for 180 days pending adoption of rulemaking by the Department.

Public comments to this Rule Change can be made by contacting Patricia H. O'Neal, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (Voice users), or may use the Department of

Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTOUN,
Secretary

Purpose

To inform you of revisions to the General Assistance (GA) cash requirements and GA-related Medical Assistance (MA) requirements that result from Act No. 1995-20.

Background

Act No. 1995-20, enacted on June 30, 1995, amended the Public Welfare Code by adding 62 P. S. §§ 432(9) and 481.1. Although the amendments were applicable to both the Aid to Families with Dependent Children (AFDC) and the GA cash programs, implementation will, at this time, only be applied to the GA cash (and GA-related medical for the provision in § 481.1) programs until a Federal waiver allows the Department to apply the provisions to the AFDC program.

Rule Change

Effective immediately, GA cash assistance payments will not be made to persons who were sentenced for a felony or misdemeanor and who have not satisfied the penalty imposed by law by completing the period of incarceration and by paying all fines, costs and restitution. Additionally, GA cash assistance payments and GA-related Medical Assistance benefits will not be authorized for persons who fail to comply with a summons or warrant to appear as a defendant at a criminal court proceeding.

The following sections of 55 Pa. Code are revised to reflect the above provisions:

- 55 Pa. Code § 125.24: Applies the above provisions to persons applying for cash assistance.
- 55 Pa. Code § 133.24: Applies the above provisions to persons receiving cash assistance.
- 55 Pa. Code §§ 133.73 and 133.83: Applies the provision dealing with appearing as a defendant to persons receiving Medical Assistance.
- 55 Pa. Code §§ 141.71 and 141.81: Applies the provision dealing with appearing as a defendant to persons applying for Medical Assistance.

Fiscal Note: 14-NRC-062. (1) General Fund;

	(A)	(B)
(2) Implementing year 1996-97 is	\$ 808,000	\$ 500,000
(3) 1st succeeding year 1997-98 is	\$ 1,004,000	-0-
2nd succeeding year 1998-99 is	\$ 1,046,000	-0-
3rd succeeding year 1999-00 is	\$ 1,089,000	-0-
4th succeeding year 2000-01 is	\$ 1,133,000	-0-
5th succeeding year 2001-02 is	\$ 1,133,000	-0-
(4) FY 1995-96 is	\$38,184,000	\$26,873,000
FY 1994-95 is	\$38,921,000	\$28,476,000
FY 1993-94 is	\$36,099,000	\$24,488,000

(7)(A) County Administration—Statewide; (B) Information Systems; (8) recommends adoption.

There will be net program savings to the Commonwealth with the implementation of this Rule Change to prohibit the granting of cash assistance to persons who have been sentenced for a felony or misdemeanor offense but who have not completed their sentence or paid all fines and restitution.

Offsetting the program implementation and ongoing criminal history record check costs outlined above would be expected savings to the Cash Grants appropriation of \$1,910,000 for fiscal year 1996-1997, increasing to \$11,735,000 for 1997-1998 and \$13,101,000 annually thereafter.

[Pa.B. Doc. No. 96-300. Filed for public inspection March 1, 1996, 9:00 a.m.]

Office of Medical Assistance Programs; Payment for Breast Pumps

The Department of Public Welfare announces effective October 1, 1995, that it will pay for rental of electric breast pumps, purchase of the supply kit for the electric breast pump, and increase the fee for manual breast pumps on the Medical Assistance Program Fee Schedule from \$4.25 to \$25.

These changes in coverage and the fiscal note were prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

The Department estimates the cost of the fee increase to be approximately \$3,334 for Fiscal Year 1995-1996 (\$1,765 in State funds; \$1,567 in Federal funds) for 7 months.

Contact Person

A copy of this notice is available for review at local county assistance offices throughout the Commonwealth.

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (Voice users), or may use the Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative format should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTON,
Secretary

Fiscal Note: 14-NOT-109. (1) General Fund; (2) Implementing year 1995-96 is \$2,000; (3) 1st succeeding year 1996-97 is \$3,000; 2nd succeeding year 1997-98 is \$3,000; 3rd succeeding year 1998-99 is \$3,000; 4th succeeding year 1999-00 is \$3,000; 5th succeeding year 2000-01 is \$3,000; (4) FY 1994-95 is \$722,422,000; FY 1993-94 is \$623,050,000; FY 1992-93 is \$594,642,000; (7) Medical Assistance-Outpatient; (8) recommends adoption. The in-

creased costs will be absorbed within the Medical Assistance—Outpatient appropriation.

[Pa.B. Doc. No. 96-301. Filed for public inspection March 1, 1996, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Mother's Day '96 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Mother's Day '96.

2. *Price:* The price of a Pennsylvania Mother's Day '96 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Mother's Day '96 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1⁰⁰ (ONE), \$2⁰⁰ (TWO), \$5⁰⁰ (FIVE), \$12\$ (TWELVE), \$24\$ (TWTY-FOR), \$48\$ (FRTY-EGHT), \$512 (FIVEHUNTWL), \$10000 (TEN THO) and a Mom Symbol (MOM).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$12, \$24, \$48, \$96, \$512 and \$10,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,115,200 tickets will be printed for the Pennsylvania Mother's Day '96 instant lottery game.

6. Determination of Prize Winners:

(a) Holders of tickets with three matching play symbols of \$10000 (TEN THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with three matching play symbols of \$512 (FIVEHUNTWL) in the "Play Area" on a single ticket, shall be entitled to a prize of \$512.

(c) Holders of tickets with two matching play symbols of \$48\$ (FRTY-EGHT), and a Mom play symbol (MOM) in the "Play Area" on a single ticket, shall be entitled to a prize of \$96.

(d) Holders of tickets with three matching play symbols of \$48\$ (FRTY-EGHT) in the "Play Area" on a single ticket, shall be entitled to a prize of \$48.

(e) Holders of tickets with two matching play symbols of \$24\$ (TWTY-FOR), and a Mom play symbol (MOM) in the "Play Area" on a single ticket, shall be entitled to a prize of \$48.

(f) Holders of tickets with three matching play symbols of \$24\$ (TWTY-FOR) in the "Play Area" on a single ticket, shall be entitled to a prize of \$24.

(g) Holders of tickets with two matching play symbols of \$12\$ (TWELVE), and a Mom play symbol (MOM) in the "Play Area" on a single ticket, shall be entitled to a prize of \$24.

(h) Holders of tickets with three matching play symbols of \$12\$ (TWELVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$12.

(i) Holders of tickets with two matching play symbols of \$5⁰⁰ (FIVE), and a Mom play symbol (MOM) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets with two matching play symbols of \$2⁰⁰ (TWO), and a Mom play symbol (MOM) in the "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with two matching play symbols of \$1⁰⁰ (ONE) and a Mom play symbol (MOM) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(o) A prize will be paid only for the highest Pennsylvania Mother's Day '96 instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

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

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per Tickets</i>
3-\$1	\$1	1:8	764,400
2-\$1+Mom	\$2	1:14	436,800
3-\$2	\$2	1:35	174,720
2-\$2+Mom	\$4	1:80	76,440
3-\$5	\$5	1:150	40,768
2-\$5+Mom	\$10	1:350	17,472
3-\$12	\$12	1:400	15,288
2-\$12+Mom	\$24	1:650	9 ,408
3-\$24	\$24	1:1,600	3,822
2-\$24+Mom	\$48	1:6,001	1,019
3-\$48	\$48	1:19,984	306
2-\$48+Mom	\$96	1:9,600	637
3-\$512	\$512	1:76,440	80
3-\$10,000	\$10,000	1:1,223,040	5

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mother's Day '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Mother's Day '96, prize money on winning Pennsylvania Mother's Day '96 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Mother's Day '96, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Mother's Day '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 96-302. Filed for public inspection March 1, 1996, 9:00 a.m.]

Pennsylvania Spring Fling Instant Lottery Game

Under the provisions of the State Lottery Law (72 P.S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Spring Fling.

2. *Price:* The price of a Pennsylvania Spring Fling instant lottery game ticket is \$2.

3. *Play Symbols:* The "Play Area" will contain a "Winning Flower" area and a "Your Garden" area. The play symbols and their captions located beneath the "Winning Flower" area and the "Your Garden" area in the "Play Area" are: Mt. Laurel Symbol (MTLAUREL), Lily Symbol (LILY), Hibiscus Symbol (HIBISCUS), Gardenia Symbol (GARDENIA), Azalea Symbol (AZALEA), Daisy Symbol (DAISY), Mum Symbol (MUM), Amaryllis Symbol (AMARYLLIS), Dogwood Symbol (DOGWOOD), Hyacinth Symbol (HYACINTH), Tulip Symbol (TULIP), Rose Symbol (ROSE), Crocus Symbol (CROCUS), Iris Symbol (IRIS) and Jonquil Symbol (JONQUIL).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Play Area" are: \$2⁰⁰ (TWO), \$3⁰⁰ (THREE), \$5⁰⁰ (FIVE), \$10\$ (TEN), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100\$ (ONE HUN), \$1000 (ONE THO) and \$20000 (TWYTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$3, \$5, \$10, \$20, \$40, \$50, \$100, \$1,000 and \$20,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,773,600 tickets will be printed for the Pennsylvania Spring Fling instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the "Winning Flower" play symbol matches any one of the "Your Garden" play symbols and a prize play symbol of \$20000 (TWYTHO) appears under the matching "Your Garden" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets where the "Winning Flower" play symbol matches any one of the "Your Garden" play symbols and a prize play symbol of \$1000 (ONE THO) appears under the matching "Your Garden" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

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

(d) Holders of tickets where the "Winning Flower" play symbol matches any one of the "Your Garden" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Garden" play symbol, on a single ticket, shall be entitled to a prize of \$50.

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

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

(g) Holders of tickets where the "Winning Flower" play symbol matches any one of the "Your Garden" play symbols and a prize play symbol of \$10\$ (TEN) appears under the matching "Your Garden" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets where the "Winning Flower" play symbol matches any one of the "Your Garden" play symbols and a prize play symbol of \$5⁰⁰ (FIVE) appears under the matching "Your Garden" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets where the "Winning Flower" play symbol matches any one of the "Your Garden" play symbols and a prize play symbol of \$3⁰⁰ (THREE) appears under the matching "Your Garden" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(j) Holders of tickets where the "Winning Flower" play symbol matches any one of the "Your Garden" play symbols and a prize play symbol of \$2⁰⁰ (TWO) appears under the matching "Your Garden" play symbol, on a single ticket, shall be entitled to a prize of \$2.

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

Win	Approximate Odds	Approximate No. of Winners Per 4,773,600 Tickets
\$2	1:6	795,600
\$3	1:16	298,350
\$5	1:200	23,868
\$5 (\$2+\$3)	1:120	39,780
\$7 (\$2+\$5)	1:200	23,868
\$8 (\$2+\$2+\$2+\$2)	1:400	11,934
\$10 (\$2x5)	1:600	7,956
\$10	1:1,200	3,978
\$12 (\$3+\$3+\$3+\$3)	1:1,200	3,978
\$14 (\$2x7)	1:200	23,868
\$15 (\$3x5)	1:2,400	1,989
\$15 (\$2x6+\$3)	1:800	5,967
\$16 (\$2x8)	1:400	11,934
\$17 (\$2x7+\$3)	1:1,200	3,978
\$17 (\$2+\$5+\$10)	1:1,200	3,978
\$18 (\$3x6)	1:1,200	3,978
\$20	1:600	7,956

Win	Approximate Odds	Approximate No. of Winners Per 4,773,600 Tickets
\$21 (\$3x7)	1:340	14,040
\$40 (\$5x8)	1:1,200	3,978
\$40	1:1,200	3,978
\$50 (\$10x5)	1:1,200	3,978
\$50	1:3,978	1,200
\$80 (\$10x8)	1:5,967	800
\$100 (\$20x5)	1:14,040	340
\$100	1:23,868	200
\$160 (\$20x8)	1:47,736	100
\$400 (\$50x8)	1:79,560	60
\$500 (\$100x5)	1:149,175	32
\$1,000	1:238,680	20
\$20,000	1:954,720	5

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Spring Fling instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Spring Fling, prize money on winning Pennsylvania Spring Fling instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Spring Fling, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the *Pennsylvania Code* (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Spring Fling or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 96-303. Filed for public inspection March 1, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation, under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by J. Richard Fullington, Jr. of P. O. Box 211, Clearfield, Pennsylvania, seeking to lease highway right-of-way located at State Route 0879, Lawrence Township, Clearfield County, 19,528.85 square feet ±, adjacent to S. R. 0879, for

purposes of public parking and landscaping. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to George M. Khoury, P.E., District Engineer, Engineering District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. Questions regarding this application or the proposed use may be directed to Michael Hnat, Right-of-Way Administrator, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830, (814) 765-0444.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-304. Filed for public inspection March 1, 1996, 9:00 a.m.]

Finding

Dauphin County

Under the provisions of section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to construct State Route 0022, Section 002 in Dauphin County.

The project consists of the construction of a new four-lane Limited Access highway, which would pass through Dauphin Borough between Canal Street and the ConRail railroad tracks, and then follow existing U. S. 22/322 in Middle Paxton Township. From this point, U. S. 22/322 would be four lanes with a median barrier for approximately 4 miles to the existing four-lane section of U. S. 22/322 (from the proposed PA 225 interchange to the proposed PA 325 interchange). This project would also include the relocation of a 0.8 mile, two-lane section of PA 225, along with a new interchange between U. S. 22/322 and relocated PA 225. A 0.4 mile section of existing PA 225 would be widened from two to three lanes from South Road to Usztics Lane.

The project requires the acquisition of land from two historic properties (the Corson property, 1.1 acres, and the Dauphin Water Works, 0.3 acre) and the Dauphin-Middle Paxton Community Park (3.0 acres). The effects on these resources will be minimal, and the Department will include the following measures to minimize harm to the properties:

Corson Property—The effects to the property, due to the acquisition and resloping of the property adjacent to U. S. 22/322, will be minimized through the use of landscaping. The landscaping will be consistent with existing vegetation and will be designed in consultation with the State Historic Preservation Office (SHPO).

Dauphin Water Works—The Federal Highway Administration (FHWA) shall ensure that the recordation of any contributing element on the property, that is the sluice gate, will be conducted in consultation with the SHPO prior to its demolition. The FHWA shall contact the National Park Service (NPS), Historic American Building Survey/Historic American Engineering Record (HABS/HAER) Division, to determine what level and kind of recordation is required. Unless otherwise agreed to by NPS, FHWA shall ensure that all documentation shall be completed and accepted by HABS/HAER prior to demolition, and that copies of this documentation are provided to the SHPO.

Dauphin-Middle Paxton Community Park—In designing the alignment for the relocated section of PA 225, the main goal was to provide a new highway section which would meet the transportation needs and satisfy engineering design criteria while minimizing impacts to the Dauphin-Middle Paxton Community Park. The alignment of PA 225 was designed as close to the property line of the park as possible to minimize bisecting park property while still meeting the engineering design standards. PennDOT will work closely with the Dauphin-Middle Paxton Joint Authority to minimize impacts to the park during construction of relocated PA 225. In accordance with section 6(f) of the Land and Water Conservation Fund Act and 36 CFR 59, the conversion of section 6(f) lands will be replaced at equal monetary value. Replacement land for the park property will be acquired from the Dauphin-Middle Paxton Fire Company.

The environmental, economic and other effects of the project have been considered as enumerated in section 2002, subsection 18(b) of The Administrative Code of 1929 and it is concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-305. Filed for public inspection March 1, 1996, 9:00 a.m.]

Retention of Engineering Firms

Allegheny and Lawrence Counties Reference No. 08430AG1981

The Department of Transportation will retain an engineering firm to perform routine NBIS inspections for 35 State-owned fracture critical structures in Allegheny and Lawrence Counties. These structures consist of one two-girder, five steel arch, ten truss, 15 steel I-beam, two tunnels and two concrete arch bridges. Structure lengths range from 147 feet to 5,920 feet.

The selected engineering firm will inspect the 35 bridges twice over a 4-year period, providing updated inspection reports and load rating analyses (where directed). The reports will include an inspection summary, field inspection Form D-488F, updated BMS coding sheets, recommendations and an analysis summary for H, HS and ML80 loadings.

Technical questions concerning the requirements for this project should be directed to Joel Bowman, P.E., District 11-0, at (412) 429-4927.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Allegheny and Beaver Counties Reference No. 08430AG1982

The Department of Transportation will retain an engineering firm to perform routine NBIS inspections for 35 State-owned fracture critical structures in Allegheny and Beaver Counties. These structures consist of three two-girder, two steel arch, eight truss, four welded box, one concrete arch, and 17 steel I-beam bridges. Structure lengths range from 313 feet to 2,421 feet.

The selected engineering firm will inspect the 35 bridges twice over a 4-year period, providing updated inspection reports and load rating analyses (where directed). The reports will include an inspection summary, field inspection Form D-488F, updated BMS coding sheets, recommendations and an analysis summary for H, HS and ML80 loadings.

Technical questions concerning the requirements for this project should be directed to Joel Bowman, P.E., District 11-0, at (412) 429-4927.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Delaware County
Reference No. 08430AG1983**

The Department of Transportation will retain an engineering firm to perform preliminary engineering, final design, shop drawing review and construction consultation for S. R. 9900, Section C28, P & W multi-use trail in Radnor Township, Delaware County. This project involves conversion of 2.5 miles of existing railroad right-of-way to a multi-use trail. The estimated project construction cost is \$560 thousand.

The selected firm will be required to provide the following engineering and design services: right-of-way investigation and plan, structure design, preparation of traffic control, pavement marking and signing plans, pedestrian trail plan, utility coordination and design, coordination with municipal officials and the public, preparation of final plan, specifications and estimates, and shop drawing reviews and consultation during construction.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Timothy R. O'Brien, P.E., at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

We encourage small firms to submit a letter of interest for this assignment.

Technical questions concerning the requirements for this project should be directed to Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6549, or Michael J. Girman, III, District 6-0, at (610) 964-6530.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."
2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.
3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the

letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limi-

tations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-306. Filed for public inspection March 1, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Beazer East, Inc. v. DEP; Doc. No. 95-162-MR

The Department of Environmental Protection (Department) and Beazer East, Inc. have agreed to a settlement of the above matter.

The Nello L. Teer Company, Inc. (Nello Teer) mined the Teerco No. 5 Surface Coal Mine in Morgan Township, Greene County. The mine was reclaimed in August in 1985. However, the Teerco No. 5 Mine produced and continues to produce discharges of acid mine drainage which must be collected and treated to prevent pollution to the waters of the Commonwealth. On August 12, 1994, Beazer East, Inc. (Beazer) submitted an application to the Department to transfer of Surface Mine Permit for the Teerco No. 5 Mine (No. 30793024) from Nello Teer to Beazer. Beazer revised and resubmitted its permit application on March 17, 1995. The Department issued a corrected permit for the Teerco No. 5 Mine to Beazer on July 19, 1995. On or about August 2, 1995, Beazer filed an appeal of certain terms and conditions contained in Surface Mining Permit No. 30793024T to the Environmental Hearing Board, which appeal was docketed at EHB Docket No. 95-162-MR. In its appeal, Beazer challenges permit terms and conditions relating to sampling frequency, identification of discharge points, the water monitoring points, and the definition of "Other Discharges" as contained in Section C of Part A of the permit. Furthermore, Beazer claimed that the Pennsylvania Land Recycling Act should have been incorporated into the permit, and objected to the renewal period of the permit.

The Department and Beazer have agreed to a settlement of the above matters, as set forth in a Stipulation of Settlement, the major provisions of which include:

1. Beazer's appeal at EHB Docket No. 95-162-MR is dismissed with prejudice.
2. The Department agrees to issue to Beazer a revision of Surface Mining Permit No. 30793024T, which revised permit is attached to the Stipulation of Settlement as an exhibit. The revision includes corrections to the identification of discharge locations, modification of the sample monitoring points and clarification of sampling frequency.
3. The revised Permit No. 30793024T will expire 5 years from the date of its issuance.
4. The dismissal of Beazer's appeal and the aforementioned permit revision shall not in any way prejudice Beazer's right to apply to the Department for uniform

clean-up standards at the Teerco No. 5 Mine, under the Pennsylvania Land Recycling Act.

Copies of the full agreement are in the possession of:

Steven Lachman, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Joseph K. Reinhart, Esquire, Babst, Calland, Clements and Zomnir, P.C., 2 Gateway Center, Pittsburgh, PA 15222, (412) 392-5400;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-307. Filed for public inspection March 1, 1996, 9:00 a.m.]

McCandless Township Sanitary Authority v. DEP; Doc. No. 95-218-R

The Department of Environmental Protection (Department) and the McCandless Township Sanitary Authority (MTSA) have agreed to a settlement of the above matter.

MTSA owns and operates a publicly owned treatment works known as the Pine Creek Sewage Treatment Plant (STP) in Hampton Township, Allegheny County. On September 7, 1995, the Department issued NPDES Permit No. PA0027669 (NPDES Permit) to MTSA authorizing the discharge of treated sewage from the STP to Pine Creek. The NPDES Permit imposed water quality-based effluent limitations (WQBELs) for Total Residual Chlorine (TRC) beginning the 37th month of the NPDES permit term through its expiration.

MTSA appealed the issuance of the NPDES Permit to the Environmental Hearing Board challenging the imposition of WQBELs for TRC.

The parties have agreed to a settlement, the major provision of which include:

1. MTSA shall submit to the Department results of a site specific study for TRC (TRC Study).
2. Upon receipt of the TRC Study, the Department shall re-evaluate the WQBELs for TRC currently set forth in the NPDES permit.
3. In any future appeal of the Department's re-evaluation of the WQBELs for TRC, MTSA shall not challenge the validity of the formulas used by the Department

to calculate such WQBELs. MTSA, however, may challenge the data input for the variables of those formulas.

4. The settlement, which is reflected in a Consent Order and Adjudication between MTSA and the Department, constitutes a full settlement of, and terminates with prejudice, the appeal before the Environmental Hearing Board at EHB Docket No. 95-218-R.

Copies of the full agreement are in the possession of:

Bruce M. Herschlag, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Ronald J. Brown, Esq., Grogan, Graffam, McGinley & Lucchino, P.C., Three Gateway Center, 22nd Floor, Pittsburgh, PA 15222, (412) 553-6300;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-308. Filed for public inspection March 1, 1996, 9:00 a.m.]

McCandless Township Sanitary Authority v. DEP; Doc. No. 95-219-R

The Department of Environmental Protection (Department) and the McCandless Township Sanitary Authority (MTSA) have agreed to a settlement of the above matter.

MTSA owns and operates a publicly owned treatment works known as the A & B Sewage Treatment Plant (STP) in the Town of McCandless, Allegheny County. On September 8, 1995, the Department issued NPDES Permit No. PA0027669 (NPDES Permit) to MTSA authorizing the discharge of treated sewage from the STP to an unnamed tributary of Pine Creek. The NPDES Permit imposed water quality-based effluent limitations (WQBELs) for Total Residual Chlorine (TRC) beginning the 37th month of the NPDES Permit term through its expiration.

MTSA appealed the issuance of the NPDES Permit to the Environmental Hearing Board challenging the imposition of WQBELs for TRC.

The parties have agreed to a settlement, the major provision of which include:

1. MTSA shall submit to the Department results of a site specific study for TRC (TRC Study).

2. Upon receipt of the TRC Study, the Department shall re-evaluate the WQBELs for TRC currently set forth in the NPDES Permit.

3. In any future appeal of the Department's re-evaluation of the WQBELs for TRC, MTSA shall not challenge the validity of the formulas used by the Department to calculate such WQBELs. MTSA, however, may challenge the data input for the variables of those formulas.

4. The settlement, which is reflected in a Consent Order and Adjudication between MTSA and the Department, constitutes a full settlement of, and terminates with prejudice, the appeal before the Environmental Hearing Board at EHB Docket No. 95-219-R.

Copies of the full agreement are in the possession of:

Bruce M. Herschlag, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Ronald J. Brown, Esq., Grogan, Graffam, McGinley & Lucchino, P.C., Three Gateway Center, 22nd Floor, Pittsburgh, PA 15222, (412) 553-6300;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary of the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-309. Filed for public inspection March 1, 1996, 9:00 a.m.]

Upper Moreland-Hatboro Joint Sewer Authority v. DEP; EHB Doc. No. 96-034-MG

Upper Moreland-Hatboro Joint Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Upper Moreland-Hatboro Joint Sewer Authority for a facility in Upper Moreland Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the

Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-310. Filed for public inspection March 1, 1996, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Yellow Perch Fishing—Lake Erie and Presque Isle Bay

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.25, is taking immediate action to adjust the minimum size and daily limit for yellow perch taken from Lake Erie and Presque Isle Bay. Effective immediately, the minimum size limit for yellow perch taken from these waters is 8 inches and the daily creel limit is 20 yellow perch per day.

The Executive Director finds that such action is necessary and appropriate for the protection, preservation and management of fish in these waters. The same changes have been approved by the Fish and Boat Commission on proposed and final rulemaking and are pending publication of the order adopting the new regulations. Implementation of these changes now will help address fishing pressure caused by ice fishing and will provide better protection for yellow perch during the next few weeks.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 96-311. Filed for public inspection March 1, 1996, 9:00 a.m.]

Total Allowable Catch for Commercial Fishing—1996

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 69.31(c) has established the total allowable 1996 commercial catch for yellow perch from the Pennsylvania waters of Lake Erie. The 1996 total allowable commercial catch for yellow perch is 36,000 pounds. The commercial fishing season for yellow perch on Lake Erie shall end when the Executive Director determines that 36,000 pounds of yellow perch have probably been taken by commercial fishing interests fishing in the Pennsylvania waters of Lake Erie.

The Executive Director of the Fish and Board Commission, acting under 58 Pa. Code § 69.31(b), has determined that the 1996 total allowable commercial catch of walleye from the Pennsylvania waters of Lake Erie is 16,000 pounds. The commercial fishing season for walleye is September 20 until the date the Executive Director

determines that the total allowable commercial catch has been taken or November 30, whichever comes first.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 96-312. Filed for public inspection March 1, 1996, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Notice

The following meetings of the Health Care Cost Containment Council have been scheduled: Wednesday, March 6, 1996, Education Committee, 10 a.m.; Data Systems Review Committee, 2 p.m.; Thursday, March 7, 1996, Council Meeting, 10 a.m. The meetings will be held at the Pennsylvania Chamber of Business and Industry, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101. The meetings are open to the public. Persons who need an accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so arrangements can be made.

ERNEST J. SESSA,
Executive Director

[Pa.B. Doc. No. 96-313. Filed for public inspection March 1, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Western Pennsylvania; Pennsylvania Blue Shield; Amendment of the Comprehensive Major Medical Subscription Agreement for Direct Pay Subscribers; Filing No. 1-CC-96-WP

By filing no. 1-CC-96-WP, Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield seek Insurance Department approval to amend the Comprehensive Major Medical Coverage Subscription Agreement for Direct Payment Subscribers, known as "COMPLETEcare," by the incorporation of a provider-driven approach to managing inpatient and outpatient care entitled "Health Care Management Services." This program will replace, in its entirety, the subscriber-driven program entitled "Managed Care Program." The Revised Subscription Agreement Form number is CCA-1001-96. This filing consists of 59 pages.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Department

[Pa.B. Doc. No. 96-314. Filed for public inspection March 1, 1996, 9:00 a.m.]

Bruno & Sons Service Station; Hearing

Bruno & Sons Service Station; Underground Storage Trust Fund; USTIF Claim No. 95-054/71054; Doc. No. UT95-09-041

The formal administrative hearing has been rescheduled for March 11, 12 and 13, 1996, at 9:30 a.m. at the Administrative Hearings Office of the Insurance Department, 901 North 7th Street, 2nd Floor, Harrisburg, PA 17102.

The hearing shall be held in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 501—508 and §§ 701—704; the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.193 and §§ 35.225—35.251; the Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3; and any other relevant procedural provisions of law.

Motions and/or briefs relevant to the hearing, including motions in limine and briefs addressing significant or unusual points of law must be filed in writing with the Docket Clerk, Insurance Department, 901 North 7th Street, 2nd Floor, Harrisburg, PA 17102 with copies delivered to the Presiding Officer at 929 Mayfield Lane, Chadds Ford, PA 19317 on or before March 6, 1996.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-315. Filed for public inspection March 1, 1996, 9:00 a.m.]

Capital Blue Cross; Quakertown Community Hospital; Member Hospital Prospective Payment Agreement; Filing No. 96-F; Form No. F-1671

By filing no. 96-F, Capital Blue Cross submits for the Department's review and approval a Member Hospital Prospective Payment Agreement Form F-1671 with Quakertown Community Hospital. The contract has a proposed effective date of July 1, 1995. The filing includes a Special Care and Keystone Health Plan Central Addendum.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg. This filing consists of 37 pages.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-316. Filed for public inspection March 1, 1996, 9:00 a.m.]

Capital Blue Cross; Saint Luke's Quakertown Hospital; Member Hospital Prospective Payment Agreement; Filing No. 96-G; Form No. F-1672

By filing no. 96-G, Capital Blue Cross submits for the Department's review and approval a Member Hospital Prospective Payment Agreement Form F-1672 with Saint Luke's Quakertown Hospital. The contract has a proposed effective date of August 1, 1995. The filing includes a Special Care and Keystone Health Plan Central Addendum.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg. This filing consists of 38 pages.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-317. Filed for public inspection March 1, 1996, 9:00 a.m.]

Erie Insurance Exchange; Pennsylvania Home-Protector Program

On January 29, 1996, the Insurance Department received from Erie Insurance Exchange a Homeowners rate filing for their Pennsylvania HomeProtector Program.

The company requests an overall rate increase of 2.4%, amounting to \$2.4 million annually, to be effective July 1, 1996.

Unless formal administrative action is taken prior to March 29, 1996, the subject filing may be deemed approved by operation of law.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Solomon Francis, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-318. Filed for public inspection March 1, 1996, 9:00 a.m.]

Insurance Seminar

A seminar on Acts 78, 205 and 143 will be held on March 22, 1996, at 10 a.m. at the Insurance Department, Administrative Hearing Office, Room 200, Capital Associates Building, 901 North Seventh Street, Harrisburg, PA

17102. For reservations and further information, contact Donna Sherrick at (717) 783-2126.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-319. Filed for public inspection March 1, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of their automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Sydney Shecter; file no. 95-280-37878; Hartford Casualty Insurance Company; doc. no. PH96-01-043; March 14, 1996, at 9 a.m.;

Appeal of Jeanne L. Lunsford; file no. 95-188-07391; Hartford Casualty Insurance; doc. no. P96-01-044; March 14, 1996, at 10 a.m.;

Appeal of Anne C. Roche; file no. 95-265-37610; Keystone Insurance Company; doc. no. PH96-01-022; March 14, 1996, at 1 p.m.;

Appeal of Donald M. MacKay; file no. 95-304-73202; Keystone Insurance Company; doc. no. PI96-01-012; March 14, 1996, at 2 p.m.;

Appeal of Timothy Vanevera; file no. 95-280-37881; Prudential Property & Casualty Ins. Co.; doc. no. PH96-01-021; March 14, 1996, at 3 p.m.;

Appeal of Gerald and Elaine Ross; file no. 95-264-37606; Allstate Insurance Company; doc. no. PH96-01-037; March 19, 1996, at 10 a.m.;

Appeal of Dr. Dama Gopal; file no. 95-223-37899; New Jersey Manufacturers Insurance Co.; doc. no. PH96-01-011; March 19, 1996, at 1 p.m.;

Appeal of Evelyn M. Baram Clothier; file no. 95-267-38114; Employers Fire Insurance Company; doc. no. PH96-01-019; March 19, 1996, at 3 p.m.;

Appeal of Robert Chrisman; file no. 95-280-37874; Travelers Insurance Company; doc. no. PH96-01-020; March 21, 1996, at 1 p.m.;

Appeal of Jose Velazquez; file no. 95-193-07488; United State Fidelity & Guaranty Co.; doc. no. P96-01-030; March 21, 1996, at 2 p.m.;

Appeal of Cynthia L. Glover; file no. 95-407-91249; Progressive Casualty Company; doc. no. E96-01-035; March 21, 1996, at 3 p.m.;

Appeal of Jodi M. And Dennis Peterson; file no. 95-195-07290; Agway Insurance Company; doc. no. P96-01-032; April 2, 1996, at 9 a.m.;

Appeal of Michela R. Guinter; file no. 95-185-07327; West American Insurance Company; doc. no. P96-01-039; April 2, 1996, at 10 a.m.;

Appeal of Terry Piazza; file no. 95-267-37385; Insurance Co. of the State of PA; doc. no. PH96-01-042; April 2, 1996, at 11 a.m.;

Appeal of Dev Iyer; file no. 95-267-38401; First General Insurance Company; doc. no. PH95-02-003; April 2, 1996, at 2 p.m.;

Appeal of Regina Wimmer; file no. 95-264-38024; State Farm Mutual Auto Insurance Co.; doc. no. PH96-01-013; April 3, 1996, at 9 a.m.;

Appeal of Jacqueline P. Hayden; file no. 95-308-73175; State Farm Mutual Auto Insurance Co.; doc. no. PI96-01-023; April 3, 1996, at 10 a.m.;

Appeal of David G. Orphanides, Esq.; file no. 95-264-37157; State Farm Mutual Auto Insurance Co.; doc. no. PH96-01-025; April 3, 1996, at 11 a.m.;

Appeal of Richard Pernell; file no. 95-264-37407; State Farm Fire & Casualty Insurance Co.; doc. no. PH96-01-018; April 3, 1996, at 1 p.m.;

Appeal of Jennifer A. McMonigle; file no. 95-183-07608; Erie Insurance Exchange; doc. no. P96-01-031; April 4, 1996, at 9 a.m.;

Appeal of Mr. and Mrs. Craig F. Gray; file no. 95-407-91374; Erie Insurance Exchange; doc. no. E96-01-029; April 4, 1996, at 10 a.m.;

Appeal of George A. Grippo; file no. 95-193-07484; Erie Insurance Company; doc. no. P96-01-028; April 4, 1996, at 11 a.m.;

Appeal of Mr. and Mrs. Eugene Thomas; file no. 95-407-91435; Erie Insurance Exchange; doc. no. E96-01-016; April 4, 1996, at 1 p.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 to 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, 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.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-320. Filed for public inspection March 1, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 act (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Infinity Insurance Company; file no. 95-267-37046; Elisha Rines; doc. no. PH95-12-039; April 4, 1996, at 2 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, 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).

Under section 9(e) of the act and 31 Pa. Code § 61.7 (relating to policies in effect during review by Insurance Commissioner of cancellation, or refusal to renew and refusal to write auto insurance policies) policies of automobile insurance shall remain in effect until the issuance of a final decision by the Insurance Commissioner, unless the action of the insurer was taken because of nonpayment of premium.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-321. Filed for public inspection March 1, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of John P. Werner; file no. 95-264-37106; General Accident Ins. Co. of America; doc. no. PH96-01-038; March 14, 1996, at 11 a.m.;

Appeal of Geraldine Bielawski; file no. 95-264-37559; Allstate Insurance Company; doc. no. PH96-01-036; March 19, 1996, at 9 a.m.;

Appeal of Gary McFarland; file no. 95-193-06673; Everett Cash Mutual Insurance Company; doc. no. P96-01-051; March 19, 1996, at 11 a.m.;

Appeal of Domenick and Nancy D'Arrigo; file no. 95-195-07573; Bedford Co. Grange Mutual Ins. Co.; doc. no. P96-01-047; April 2, 1996, at 1 p.m.;

Appeal of Janet L. Kehr; file no. 95-188-06254; Pennsylvania General Insurance Company; doc. no. P95-12-033; April 4, 1996, at 3 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-322. Filed for public inspection March 1, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) in connection with the termination of the insured's policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Lititz Mutual Insurance Company; file no. 95-193-07614; Michael P. Shear; doc. no. P96-01-015; March 19, 1996, at 2 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and any other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-323. Filed for public inspection March 1, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 25, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for approval *amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

A-00106910, Folder 1, Am-E. AAA Moving & Storage Co. (P. O. Box 630, 2 Park Drive East, Pocono Summit, Monroe County, PA 18346), a corporation of the Commonwealth of Pennsylvania, inter alia—household goods, personal effects and property used or to be used in a dwelling when a part of the furnishings, equipment or supplies of such dwelling as an incidental part of a removal by the householder from one domicile to another; furniture, fixtures, equipment and property of stores, offices, museums, institutions, hospitals or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, in connection with the removal from one location to another; and articles, in use, including objects of art, displays and exhibits which, because of their unusual nature or value, require specialized handling and equipment usually employed in the moving of household goods, between points in the counties of Monroe, Northampton, Pike, Carbon and Wayne, and from points in said counties to points in Pennsylvania and vice

versa: *so as to permit* the transportation of household goods in use, between points in the counties of Luzerne, Lackawanna, Lehigh and Northampton, and from points in said counties to points in Pennsylvania, and vice versa. *Attorney:* Mark Samuel Jennings, 303 Tenth Street, Honesdale, PA 18431.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00110279, Folder 2. Keystone Limousine, Inc. (228 East Main Street, Mount Joy, Lancaster County, PA 17552), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon and York, and from points in said counties to points in Pennsylvania and return. *Attorney:* Scott D. Albert, 50 East Main Street, Mount Joy, PA 17552.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00109547, F. 1, Am-A. Reading Yellow Cab, Inc. (615 Elm Street, Reading, Berks County, PA 19601), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in the city of Reading, Berks County: *so as to permit* the transportation of persons upon call or demand in the county of Berks. *Attorney:* David H. Radcliff, 2216 Walnut Street, Harrisburg, PA 17103.

Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before March 18, 1996.

A-00112824 Gregory A. Muehlmann
704 Old Marple Road, Springfield, PA
19064

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-324. Filed for public inspection March 1, 1996, 9:00 a.m.]

**Sewer Service
Without Hearing**

A-230059. Oak Tree Land Company. Application of Oak Tree Land Company for approval to begin to offer, render, furnish or supply sewer service to the public in portions of Shenango Township, Mercer County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before March 18, 1996, under 52 Pa. Code (relating to public utilities).

Counsel for Applicant: John C. Reed, Esquire, Routman, Moore, Goldstone & Valentino, 194 East State Street, Sharon, PA 16146.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-325. Filed for public inspection March 1, 1996, 9:00 a.m.]

**Water Service
Without Hearing**

A-212370F0024. Philadelphia Suburban Water Company. Application of Philadelphia Suburban Water Company (PSW) for approval of (1) the acquisition, by purchase, of the water supply system assets of the Hatboro Borough Authority; and 2) the right of PSW to begin to offer, render, furnish or supply water service to the public in the service territory of Hatboro Borough Authority located in Hatboro Borough and portions of Upper Moreland and Horsham Townships, Montgomery County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before March 18, 1996, under 52 Pa. Code (relating to public utilities).

Counsel for Applicant: Mark J. Kropilak, Esquire, Corporate Counsel, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-326. Filed for public inspection March 1, 1996, 9:00 a.m.]

**STATE EMPLOYEES'
RETIREMENT BOARD**

Actuarial Services and Pension Plan Consulting Services for the State Employees' Retirement System; Request for Proposals

The State Employees' Retirement Board, on behalf of the Commonwealth, is issuing a Request for Proposal (RFP) for Actuarial Services and Pension Plan Consulting Services for the State Employees' Retirement System (SERS). The primary duties of the consultant are to: (1) provide actuarial services; (2) make an annual valuation of the State Employees' Retirement Fund within 6 months of the end of each calendar year; (3) conduct an actuarial investigation and experience analysis of the Fund based on data, including the mortality, service and compensation experience, during the preceding 5 years concerning members, annuitants and beneficiaries; and (4) provide pension plan consulting services in such areas as strategic planning, benefit communications, plan design and human resources issues.

Proposals must be submitted in eight copies to Susan C. Hostetter, Director, Bureau of Benefit Administration, SERS, 30 N. Third Street, P. O. Box 1147, Harrisburg, PA 17108-1147. The deadline to submit proposals is stated in the RFP package.

A preproposal conference will be held for the Request for Proposal (date provided in the RFP). Prospective bidders are invited to attend this meeting before developing proposals. It will be held at the SERS offices on the 5th floor at 30 N. Third Street, Harrisburg, PA at 9:30 a.m. Because of limited facilities, only two representatives per vendor will be permitted to attend this conference.

The purpose of the preproposal conference is to clarify any points which may not have been understood in the Request for Proposal. Please submit any pertinent questions in written form 2 days prior to the preproposal conference. All prospective bidders will be provided with answers to the questions submitted, in writing, 1 week after the preproposal conference date.

Interested parties may write to Susan C. Hostetter, Director, Bureau of Benefit Administration, at the above referenced address or fax your request to (717) 787-5866 to obtain a copy of this Request for Proposal. Late proposals will not be considered regardless of the reason.

JOHN BROSIUS,
Executive Director

[Pa.B. Doc. No. 96-327. Filed for public inspection March 1, 1996, 9:00 a.m.]

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

April 3, 1996	Joan Gibson (Educ. LWOP)	1 p.m.
	Mary Lou Walker (County Service)	2:30 p.m.
April 10, 1996	Louis Volpack (Decd) (Death Benefit)	1 p.m.
April 17, 1996	Joseph A. Roche (Pension Forfeiture)	1 p.m.
	Joseph Rhodes, Jr. (Frozen Present Value)	2:30 p.m.
April 24, 1996	Gery E. Yoh (Contract Service)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective

positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 96-328. Filed for public inspection March 1, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administrative Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 87-044-RE99: Rehabilitation of Bridge No. B-467B at M. P. 172.43, Sideling Hill Service Plaza, 11 miles east of Breezewood Interchange No. 12

Bid Opening: March 26, 1996, 11 a.m.

Bid Surety: 5%

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies of either a CD-ROM or paper copy may be purchased upon payment of \$20 for a CD-ROM or \$50 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-329. Filed for public inspection March 1, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705

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 THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$10,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337

Commodities

2336115 Books and reading material—2 sets; Civil Rights and Civil Liberties Litigation: the Law of Section 1983 3rd Ed. of 12/91—2 sets; United States Citations Cases and Statutes September 94 Edition, Master Edition—2 sets; 2 sets Federal Citations Cases and Supps., September 95 Edition, Master Edition—2 sets; Pennsylvania Citations, Cases and Statutes, November 94 Edition.

Department: Corrections
Location: Houtzdale, Clearfield County, PA 16698-1000
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

203190 Chemicals and chemical products—1 each; calcium tank system—1 each; liquid calcium chloride.

Department: Transportation
Location: Greensburg, Westmoreland County, PA 15601
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2366215 Electric wire and power and distribution equipment—10 spools; wire, high voltage.

Department: Public Welfare
Location: Warren State Hospital, North Warren, Bradford County, PA 16365-5009
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2318115 Fabrics and cloth and materials—30,000 yards; poplin, per PA Spec. C-97 eff. 5 Sep. 95, Type I, Class II; width 60"; color light gray.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16654-1112
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2444135 Food preparation and serving equipment—1 each; furnish and install walk-in refrigerator—14' x 8' x 7'6" height; refrigerator sized to hold cooler at 35 degrees F with product coming in at 55 degrees F as manufactured by U. S. Cooler, Quincy, IL or approved equal.

Department: Veterans Affairs
Location: Hollidaysburg Veterans Home, Hollidaysburg, Blair County, PA 16648-0319
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2279115 Food preparation and serving equipment—4 each; tray delivery cart; non-insulated, heavy duty.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16652
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2288115 Food preparation and serving equipment—6 each; fully insulated warmer cabinet; high strength aluminum with wheels.

Department: Corrections
Location: Houtzdale, Clearfield County, PA 16698-1000
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

1895155 Furniture—1 lot; Millcare furniture.

Department: State System of Higher Education
Location: Pennsylvania State University, University Park, Centre County, PA 16801
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2312135 Hospital equipment and supplies—3 each; fluidized air mattress, mattress overlay system (inflated), First Step Plus 200-501 as manufactured by Kinetic Concepts.

Department: Veterans Affairs
Location: Hollidaysburg Veterans Home, Hollidaysburg, Blair County, PA 16648-0319
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2410115 Household and commercial furnishings and appliances—2 each; dryers, 150 lb. steam heated.

Department: Corrections
Location: Waymart, Wayne County, PA 18472-0256
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2413225 Marine equipment and supplies—30 rolls; knitted polypropylene olefin netting; 2" mesh size, u.v. treated to resist deterioration from ultra violet rays with the maximum u.v. treatment that the mesh will absorb.

Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA 16823
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2217225 Motor vehicles, trailers and cycles—1 each—1996 model executive four door sedan; 1 each—1996 model mid-size four door sedan; 1 each—1996 model mid-size station wagon.

Department: General Services
Location: Harrisburg, Dauphin County, PA 17105
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2239205 Paper and printing—20 m; SP 4-132, envelopes, fingerprint, size 9" x 9", 28 lb. brown manila Kraft, packed 500 per case.

Department: State Police
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2240205 Paper and printing—120 m; SP 4-125, envelopes, fingerprint, size 9" x 9", 32 lb. brown manila Kraft, packed 500 per case.

Department: State Police
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2241205 Paper and printing—12 m; SP 4-224, envelopes, evidence, expanding, 40 lb. brown manila Kraft, size 6" x 11", with full 3" expansion capacity, packed 150 per carton.

Department: State Police
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

1276215 Pharmaceuticals—300 bottles; Buspar 5 mg tablets, 500 per bottle and Buspar 10 mg tablets, 500 per bottle.

Department: Public Welfare
Location: Norristown State Hospital, Norristown, Montgomery County, PA 19401-5399
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2379155 Plumbing, heating and sanitation equipment—6 each; furnish Keystone Ballcentric plug valves only, no substitution. This does not include gearbox or operator—1 each; 10", 175 psi, Model No. 220-703-100-583-008, no substitution—1 each; 14", 150 psi, Model No. 220-703-140-583-008, no substitution—1 each; 16", 150 psi, Model No. 220-703-160-583-008, no substitution.

Department: General Services
Location: Harrisburg, Dauphin County, PA 17125
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2277115 Safety equipment and supplies—1 system; vendor shall furnish and install all equipment necessary for a perimeter intrusion detection and reporting system.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16652
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2314255 Safety equipment and supplies—100 each; concealable soft body armor, certified to be in compliance with NJ Std. 0101.03 Threat Level II, color: blue.

Department: Probation and Parole
Location: Harrisburg, Dauphin County, PA 17105-1661
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

7313340 Safety equipment and supplies—30 each; safe, money, external door equipped with Mosler's Eck 302 combination lock, inner doors constructed from 1/4" hot rolled steel, color: parchment, Model TL-15 or equal.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA 17124-0001
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2439115 Textiles, leathers and furs—10,000 yards; fusible interlining, 45" width only, color: white, resin finish to be polyethylene as manufactured by Trinton Mfg. Co., top-fuse or an approved equal.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16654-1112
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

1534135 Tractors—4 each; latest model agricultural/general purpose wheel tractor.

Department: Military Affairs
Location: Annville, Lebanon County, PA 17003-5002
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

SERVICES

Personnel/Clerical Services—02

OVR-3-96 Casual labor services: disassemble and remove existing HON modular furniture; store furniture, and then return product back to same office; reinstall and clean after reassembly.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, 1101 Green Avenue, Altoona, PA 16601
Duration: April 1, 1996—December 31, 1996
Contact: Thomas Wyland, (814) 946-7283

1996-EO-01 Telephone survey of Pennsylvania Boaters and Anglers.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: Approximately 4/1/96 to 8/31/96
Contact: Tom Ford, (717) 657-4394

Telecommunications Services and Equipment—03

33975 To provide complete radio maintenance service, including a preventive maintenance program, for Motorola equipment which includes car radios, walkie-talkies, and antennas at the State Correctional Institution at Pittsburgh. Interested vendors can call Major Holzer at (412) 761-1955, ext. 332 for additional information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 1, 1996 to June 30, 1999
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

Construction—04

Project No. SWGF-126 Project title: Install metal siding and trims, gutters and downspouts, Building No. SB-234. Project description: prepare building to receive new siding. Install preformed and prefinished metal siding with accessories. Install fascia, soffit, trim, gutters and downspouts. Approximately 28 squares (gross) required.

Department: Game Commission
Location: Southwest Game Farm, Distant, Mahoning Township, Armstrong County, PA
Duration: 60 days from issuance of contract
Contact: Engineering and Contract Management Division, (717) 787-9620

CRE-0172 Contractor shall provide all labor, equipment, materials and supplies necessary to resurface a section of the main roadway on the premises of the State Correctional Institution at Cresson. Services to include applicable line painting. On-site inspection of services to be performed to verify scope of work to be performed. Complete bid specifications on file in agency Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: April 1, 1996 to June 30, 1996 (approximate)
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

07779501 Repair roof and dormer—Building No. 8 (Residence No. 2).

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: 03/12/96—06/30/96
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

07779502 Repair roof—Building No. 15 (Maintenance Shop).

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: 03/12/96—06/30/96
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

HSCP 6-007-102.1 Source Operable Unit Remediation Project, Presque Isle Chemical Site. Involves pre-excavation sampling of an estimated 650 samples for PCBs, 300 for VOCs and 10 for lead; excavation and disposal of an estimated 23,700 c. y. of contaminated soil; 7500 c. y. of borrow; 3.75 acres of grading and seeding and replacement of 0.9 acre of wetlands.

Department: Environmental Protection
Location: Washington Township, Erie County, PA
Duration: 305 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Project No. 046-128 Project title: Install Pipe Liner. Project description: prepare 4' x 4' x 18' long concrete box culvert to receive liner. Install 42" plastic pipe liner in culvert and grout in place. Repair cracks in wing walls.

Department: Game Commission
Location: State Game Lands No. 046, West Cocalico Township, Lancaster County, PA
Duration: 60 days after issuance of executed contract
Contact: Engineering and Contract Management Division, (717) 787-9620

AE-2831 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: Clinton Township, Venango County, PA
Duration: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

AE-2833 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: Cranberry Township, Venango County, PA
Duration: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

AE-4002 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: Lover, Washington County, PA
Duration: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

AE-4006 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: Monroeville, Allegheny County, PA
Duration: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

AE-4007 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: Waynesburg, Greene County, PA
Duration: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

AE-4008 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

AE-4009 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: Graysville, Greene County, PA
Duration: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

AE-4012 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: Cloverleaf, Fayette County, PA
Duration: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

AE-4030 Construction of a 36' x 45' pole building. FAX (717) 787-0462.

Department: Transportation
Location: Sunbury, Northumberland County, PA
Duration: 90 calendar days; proposed bid March, 1996
Contact: Tina Chubb, (717) 787-7001

Contract No. FDC-002-109 All work associated with construction of a 24' x 40' addition to an existing office building for Forest District No. 2 near McConnellsburg. Project consists of everything from excavation through framing and finishing the addition both interior and exterior. Minor plumbing and electrical is also required.

Department: Conservation and Natural Resources
Location: Ayr Township, Fulton County, PA
Duration: 120 days after notice to proceed
Contact: Construction Management, (717) 787-5055

Contract No. FDC-003-104 Construct a 40' x 90' wood frame (pole design) equipment storage building with concrete slab and electrical service. Site is located in Forest District No. 3 near New Germantown along PA Route 274.

Department: Conservation and Natural Resources
Location: Toboyne Township, Perry County, PA
Duration: 145 days after notice to proceed
Contact: Construction Management, (717) 787-5055

Contract No. FDC-104-158 Construction of a 34' x 104' maintenance building of split face masonry construction and standing seam metal roof. The interior shall be divided into six different areas. Work is located at Chapman State Park.

Department: Conservation and Natural Resources
Location: Pleasant Township, Warren County, PA
Duration: 180 days after notice to proceed
Contact: Construction Management, (717) 787-5055

Contract No. FDC-207-54 General construction work associated with the Rehabilitation of the Water System at Laurel Hill State Park. Work consists of clearing and grubbing; demolition of existing reservoirs; furnish and install the following: 4 well houses, 4 water storage tanks, approximately 23,000 L. F. of waterline, valves, valve pits, erosion and sedimentation control measures, culverts, topsoil, ditch restoration, seeding and mulching, and roadway gates.

Department: Conservation and Natural Resources
Location: Jefferson and Middlecreek Townships, Somerset County, PA
Duration: All work to be completed by May 16, 1997
Contact: Construction Management, (717) 787-5055

Contract No. FDC-207-155 Plumbing construction associated with the Rehabilitation of the Water System at Laurel Hill State Park. Work consists of furnishing and installing the following: well pump, motor controls; well piping from the pump to well house including excavating, back filling and compaction; all interior well house piping and valves; water treatment, chlorination and backwash systems including controls.

Department: Conservation and Natural Resources
Location: Jefferson and Middlecreek Townships, Somerset County, PA
Duration: All work to be completed by May 16, 1997
Contact: Construction Management, (717) 787-5055

Contract No. FDC-207-156 Electrical construction associated with the Rehabilitation of the Water System at Laurel Hill State Park. Work consists of furnishing and installing the following: electric service lines to the well sites, including all trenching and backfill; all electric service, panels, switches, circuits, lighting and heaters for the well and well house including all electrical equipment and controls.

Department: Conservation and Natural Resources
Location: Jefferson and Middlecreek Townships, Somerset County, PA
Duration: All work to be completed by May 16, 1997
Contact: Construction Management, (717) 787-5055

Contract No. FDC-303-57 Construction of a new bathroom and new treatment/control buildings; demolition (existing pool, bathroom and terrace); renovation of existing pool (pressure mortar surface treatment, concrete deck, approximately 3000 L. F. of various size P.E. and PVC pipe, sandblasting, stainless steel gutter system and painting); provide new equipment (surge/backwash tank, disinfectant and pH feed, filtration, ladders, lifeguard chairs) and finish grading, seeding and mulching. All work is located at Caledonia State Park.

Department: Conservation and Natural Resources
Location: Greene Township, Franklin County, PA
Duration: 180 days after notice to proceed
Contact: Construction Management, (717) 787-5055

Contract No. FDC-306-100 Provide and place approximately 70 c. y. of concrete (sidewalks, walls, steps and footings); 610 tons of Bituminous Material; 200 L. F. of P.E. pipe; 2 concrete inlets; wood handrail systems; clearing and grubbing; line painting; and finish grading and seeding. All work is located at Gifford Pinchot State Park.

Department: Conservation and Natural Resources
Location: Warrington Township, York County, PA
Duration: 120 days after notice to proceed
Contact: Construction Management, (717) 787-5055

HVAC—05

6500-9503 Negative Air Flow Project—furnish and install duct work, fan and related materials to provide negative air flow to Medical Isolation Room(s) at State Correctional Institution at Retreat. Specifications on file at institutional Purchasing Office.

Department: Corrections
Location: State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621
Duration: April 1, 1996 through October 1, 1996
Contact: Barbara Swiatek, Purchasing Agent, (717) 735-8754

6500-9504 Manhole steam and condensate piping repairs—to include excavation of manhole sites, testing and repair/replacement of underground steam and condensate piping. Specifications on file at institutional Purchasing Office.

Department: Corrections
Location: State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621
Duration: April 1, 1996 through October 1, 1996
Contact: Barbara Swiatek, Purchasing Agent, (717) 735-8754

6500-9505 Cooler—Dietary Department. Furnish and install condensing/evaporator and related components to convert storage room to a Dietary Department produce cooler. Specifications on file at institutional Purchasing Office.

Department: Corrections
Location: State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621
Duration: April 1, 1996 through October 1, 1996
Contact: Barbara Swiatek, Purchasing Agent, (717) 735-8754

DLR 01 To supply all labor, parts and materials necessary to provide preventive maintenance and any needed repairs to the Landis and Gyr System 600 Temperature Control System at the State Correctional Institution—Smithfield.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 1996 through June 30, 1997
Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

DLR 02 To provide preventive maintenance service and repair parts and service for the air conditioning and temperature control systems at the State Correctional Institution—Smithfield.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 1996 through June 30, 1997
Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

IN-712 HVAC System Replacement Robert Shaw Building. Work included under this project consists of HVAC system replacement, Robert Shaw Building consisting of removing existing ceilings, air handling units, diffusers, ground, ductwork, wiring, conduit, lights, switches, etc. to furnish and install new piping, ductwork, air handling units, diffusers, fans, acoustical ceilings, wiring, conduit, lights, switches, receptacles, etc. Notice to Contractors may be requested from IUP. Phone: (412) 357-2289, FAX (412) 357-6480.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

95-07-091FB To obtain maintenance services for infrastructure systems which include mechanical, plumbing, heating, ventilating, air conditioning, electrical and sheet metal work for Commonwealth facility located at 5 Technology Park, Harrisburg State Hospital Grounds, Harrisburg, PA 17110. Bids must be submitted by deadline in cover letter. Any bids received after that date and time will not be accepted, regardless of reason.

Department: Health
Location: 5 Technology Park, Harrisburg State Hospital Grounds, Harrisburg, PA
Duration: July 1, 1996 through June 30, 2001
Contact: Joseph F. Gryboski, (717) 787-5388

Contract No. FDC-303-58 All electrical work associated with the construction of a new bathroom and a new treatment/control building for the swimming pool at Caledonia State Park.

Department: Conservation and Natural Resources
Location: Greene Township, Franklin County, PA
Duration: 180 days after notice to proceed
Contact: Construction Management, (717) 787-5055

CRE-0166 Refrigeration (emergency repair) services. To include, but not limited to, freezers, walk-in coolers, water coolers, air conditioners, reach-in boxes, small refrigerators and ice cream freezer. To include all labor, parts and administrative fees (where applicable) as required. Complete bid information on file in agency's Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 1996 through June 30, 1999
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

1240-AE Electrical repairs and service at the safety rest area on I-70 in Washington County. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8:00 a.m. to 3:00 p.m.

Department: Transportation
Location: Donegal Township, I-70 E.B., Washington County (1240), PA
Duration: 7-1-96 to 6-30-97
Contact: Robert E. Adamsky, (412) 439-7326

Project No. DGS A 251-321 Project title: Additions and Renovations to Existing HVAC System. Brief description: modifications to HVAC ductwork, air handler, EMS controls, addition of fan coil unit and duct system air balance. Mechanical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, March 20, 1996 at 11:00 a.m.

Department: General Services
Location: PennDOT District Office Building, St. Davids, Delaware County, PA
Duration: 120 calendar days from date of award
Contact: Bidding Unit, (717) 787-6556

Project No. DGS 405-51 Project title: Renovation of Electrical Utility. Brief description: renovate campus electrical utility by upgrading 5-KV to 15-KV system, replace transformers, upgrade emergency power system and reconnect all facilities on campus plus new underground ductbanks and extension of signal/data system. Electrical construction. Plans deposit: \$70.00 per set. Payable to: Strunk-Albert Engineering. 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 below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Strunk-Albert Engineering, R. D. 5, Box 5198-B, Route 209, East Stroudsburg, PA 18301, telephone (717) 421-2025. Bid date: Wednesday, March 27, 1996 at 2:00 p.m. Pre-bid conference has been scheduled for Wednesday March 6, 1996 at 10:00 a.m. in the Lower Dansbury Commons Lounge at the East Stroudsburg University. Contact Bill Pierson, (717) 422-3077. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: East Stroudsburg University of PA, East Stroudsburg, Monroe County, PA
Duration: 400 calendar days from date of award
Contact: Bidding Unit, (717) 787-6556

Project No. 138 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 340 Harding Boulevard, Norristown, Montgomery County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 139 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 340 Harding Boulevard, Norristown, Montgomery County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 141 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 23rd and Ranstead Streets, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 143 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 5350 Ogontz Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 144 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 5350 Ogontz Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 146 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 3205 Lancaster Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 147 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 3205 Lancaster Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 149 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 2700 Southampton Road, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 150 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 2700 Southampton Road, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 152 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 200 Shady Lane, Philipsburg, Centre County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 153 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 200 Shady Lane, Philipsburg, Centre County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 155 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, Rapps Dam Road, Phoenixville, Chester County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 156 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, Rapps Dam Road, Phoenixville, Chester County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 158 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 143 South Tulpehocken Street, Pine Grove, Schuylkill County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 159 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 143 South Tulpehocken Street, Pine Grove, Schuylkill County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 160 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 826 Crane Avenue, Pittsburgh, Allegheny County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 161 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 324 Emerson Street, Pittsburgh, Allegheny County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 163 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 747 West Main Street, Plymouth, Luzerne County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 164 Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 747 West Main Street, Plymouth, Luzerne County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Elevator Maintenance Services—06

CU-9529 All labor, materials and supplies required to bring 2 elevators damaged by water on-line.

Department: State System of Higher Education
Location: Cheyney University of PA, Cheyney and Creek Roads, Cheyney, PA 19319-0200
Duration: 4 weeks after notice to proceed
Contact: Antonia Williams, (610) 399-2360

WC 609 Provide and install new ADA compliant elevator cars and replace existing traction machinery. Also, remove existing emergency generator and distribution system, install new diesel emergency generator and distribution system in Schmidt Hall. Prevailing wages apply and contract bonds are required. This form should be returned to: West Chester University, Contract Services, West Chester, PA 19383.

Department: State System of Higher Education
Location: West Chester University, Schmidt Hall, West Chester, PA 19383
Duration: 160 days
Contact: Jacki Marthinsen, (610) 436-2705

M 34331 To provide maintenance, inspection and service for elevators located at the State Correctional Institution at Pittsburgh. Interested vendors can call Mr. James Spagnoletti at (412) 761-1955, ext. 260 for additional information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 1, 1996 to June 30, 1999
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

Consulting Services—07

C 00541 Professional services to plan, research, and write text to produce Wayside Interpretive Exhibits for PA State Parks.

Department: Conservation and Natural Resources
Location: State Parks, Various State Park Locations within PA
Duration: 3 years from date of execution
Contact: Corinna Gaiski, (717) 783-0760

081-96-7000-01 The Pennsylvania Commission on Crime and Delinquency is accepting proposals for the provisions of Administration, Facilities, Instruction and Evaluation for Deputy Sheriffs' Basic Training. Training site must be geographically located centrally within the Commonwealth and have all facilities and services available on site. Annual training projections are for an estimated two, 160 hour (four week), Basic Training Courses for 80 deputies each course and two, 40 hour (one week), Basic Waiver Courses for 40 deputies each. The Pennsylvania Commission on Crime and Delinquency is an equal opportunity employer.

Department: Executive Office
Location: Pennsylvania Commission on Crime and Delinquency, at site provided by contractor
Duration: Multi-year contract: two years/renewable two years
Contact: Donald Numer, (717) 787-1777, ext. 3041

Demolition and Renovation—09

Contract No. FDC-220-20 Project is the Rehabilitation of the Waterworks Ferry Dock at Presque Isle State Park. Work consists of demolition of existing dock and concrete; dredging; reconstruction of a dock with new steel sheet piling, tie rods and wales; structural backfill; new reinforced concrete cap on dock; and install docks/ramps and cat walks.

Department: Conservation and Natural Resources
Location: Adjacent to the City of Erie and Mill Creek Township, Erie County, PA
Duration: Complete all work by May 17, 1997
Contact: Construction Management, (717) 787-5055

Medical Services—10

33934 Art Therapist will provide therapeutic activities for inmates in the Special Needs Unit for mentally ill offenders. It will be conducted in both individual and group settings. Fifteen (15) hours of service will be provided per week for 50 weeks per year. Interested vendors can call Robert Kaminski at (412) 761-1955, ext. 431 for additional information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 01, 1996 to June 30, 1999
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

400 The vendor shall furnish dental prosthetic appliances such as dentures, full or partial, and various related attachments to the inmate population at the State Correctional Institution at Pittsburgh. Interested vendors can call Joan Delis at (412) 761-1955, ext. 329.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 1, 1996 to June 30, 1999
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

DEN 0001 The contractor shall provide dental laboratory services for inmate dental prosthetics. Additional information on file.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 1996 through June 30, 1997
Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

9605 Certified Drug and Alcohol Counselor—approximately 20 hours per week.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411
Duration: 7/1/96—6/30/99
Contact: Stanley Rygelski, (717) 587-7291

Engineering Services—11

08430AG1981 To provide NBIS bridge inspection services on thirty-five (35) State-owned fracture critical bridges in Allegheny and Lawrence Counties.

Department: Transportation
Location: Engineering District 11-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG1982 To provide NBIS bridge inspection services on thirty-five (35) State-owned fracture critical bridges in Allegheny and Beaver Counties.

Department: Transportation
Location: Engineering District 11-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG1983 To perform preliminary engineering, final design, shop drawing and consultation during construction for S. R. 9900, Section C28, P & W multi-use trail in Radnor Township, Delaware County.

Department: Transportation
Location: Engineering District 6-0
Duration: Thirty-six (36) months
Contact: Consultant Agreement Division, (717) 783-9309

Firefighting, Safety and Rescue Services—12

CRE-0163 Contractor shall supply all parts, labor, materials and shipping (administrative and handling fees) to maintain and charge fire extinguishers of various types, to include hydro-testing at this facility. Contractor shall provide loaners if extinguishers are removed from institutional grounds for re-charging.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 1996 through June 30, 1999
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

WC 606 Provide and install new fire alarm system for Schmidt Hall including, pull stations, smoke detectors, heat detectors, horn/strobe units, fire alarm panels, wiring, conduit and all appurtenances required to make a complete and operating system. Prevailing wages apply and contract bonds are required. This form should be returned to: West Chester University, Contract Services, West Chester, PA 19383.

Department: State System of Higher Education
Location: West Chester University, Schmidt Hall, West Chester, PA 19383
Duration: 160 days
Contact: Jacki Marthinsen, (610) 436-2705

Food Services—13

E2500-96 Eggs, white, Grade A, medium, approximately 2550 dozen will be required per delivery. Deliveries on each Tuesday, July 2, 1996 through June 24, 1997. Bids will be advertised on a quarterly basis.

Department: Corrections
Location: State Correctional Institution, Dallas, Luzerne County, PA 18612
Duration: As per delivery schedule—July 2, 1996 through June 24, 1997
Contact: Fred B. Moody, Purchasing Agent, (717) 675-1101, ext. 221

PZ-2500-96 Cheese pizza, regular packed 54 6" x 4" pieces per box. 150 boxes per delivery. To be bid every other month, for deliveries from July 1996 through June 1997.

Department: Corrections
Location: State Correctional Institution, Dallas, Luzerne County, PA 18612
Duration: July, 1996 through June, 1997
Contact: Fred B. Moody, Purchasing Agent, (717) 675-1101, ext. 221

B2500-96 Bread, white, sliced, 23 oz. loaves. To include any other related items. Delivery dates and quantities shall be contained within quote format. Bids will be advertised on an as-needed basis.

Department: Corrections
Location: State Correctional Institution, Dallas, Luzerne County, PA 18612
Duration: July, 1996 through June, 1997
Contact: Fred B. Moody, Purchasing Agent, (717) 675-1101, ext. 221

MD2500-96 Meat and dairy products, as indicated are approximate monthly requirements. Bids will be advertised on a monthly basis, for deliveries from July 1996 through June 1997. Monthly delivery date to be established by the institution. Liver—450 lbs.; pork sausage links—700 lbs.; dinnerballs—1200 lbs.; chicken pot pies—4500 pies; sandwich steaks—1300 lbs.; beef rib patty—280 cs.; American cheese—6000 lbs.; and any other meat or dairy product that may be required for this period.

Department: Corrections
Location: State Correctional Institution, Dallas, Luzerne County, PA 18612
Duration: July 1996 through June 1997
Contact: Fred B. Moody, Purchasing Agent, (717) 675-1101, ext. 221

Inquiry No. 75 Provide miscellaneous fruits and vegetables prepared and fresh in requested quantities for May and June. Copies of bid proposal can be obtained by contacting the Purchasing Department.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: May through June, 1996
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

No. 819 Frozen foods: lasagna w/meat sauce—30 cs.; meat lasagna w/sauce, low fat—10 cs.; vegetable lasagna—18 cs.; vegetable lasagna, low fat—6 cs.; pizza—24 cs.; oatbran muffins (w/o raisins)—6 cs.; pancakes—32 cs.; green beans—900 lbs.; broccoli—3000 lbs.; peaches—500 lbs.; spinach—2880 lbs.; stuffed cabbage—16 cs.; zucchini squash—4800 lbs.; strawberries—300 lbs.; succotash—480 lbs.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: April—May, 1996
Contact: Patty Frank, Purchasing Agent, (814) 432-0397

FL2500-96 Bread flour, in 100 lb. bags—approximate monthly requirement—200 bags. Delivery dates to be established by the institution. To include any other related items. Bids will be advertised on a quarterly basis.

Department: Corrections
Location: State Correctional Institution, Dallas, Luzerne County, PA
Duration: July 1996 through June 30, 1997
Contact: Fred B. Moody, Purchasing Agent, (717) 675-1101, ext. 221

P2500-96 Produce—vegetables to be supplied in accordance with PA Spec. V-14. Fruits in accordance with PA Spec. F-46. All amounts as indicated are approximate monthly requirements. Deliveries will be required on a weekly basis as established by the Institution. Bids will be advertised on a monthly basis from July 1996 through June 1997. To also include any other product that may be required for this period. Cabbage—3000 lbs.; celery—48 ctns.; carrots—1000 lbs.; peppers—30 bu.; mixed salad—150 boxes; lettuce—20 ctns.; apples—200 boxes; grapefruit—40 bx.; oranges—100 bx.; bananas—4000 lbs.; and pears—100 lbs.

Department: Corrections
Location: State Correctional Institution, Dallas, Luzerne County, PA 18612
Duration: As per delivery schedule—July 2, 1996 through June 24, 1997
Contact: Fred B. Moody, Purchasing Agent, (717) 675-1101

Fuel-Related Services—14

Project No. DGS A 251-308 Project title: New Fuel Facility. Brief description: install a new fuel system including one 10,000 gallon underground storage tank, leak detection system and dispensing system with concrete island and overhead canopy. Underground storage tank construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Commonwealth of PA, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, March 20, 1996 at 11:00 a.m.

Department: General Services
Location: PennDOT Maintenance Building, Findlay Township, Allegheny County, PA
Duration: 120 calendar days from date of award
Contact: Bidding Unit, (717) 787-6556

Janitorial Services—15

FM-119 Furnish all equipment, material and labor to perform janitorial services including empty 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. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Tionesta Station, R. D. 1, Box 43DD, Tionesta, Forest County, PA 16353-9502
Duration: 07/01/96 to 06/30/99
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-120 Furnish all equipment, materials and labor to perform janitorial services including empty 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 as required at the Ridgway Station, HCR 1, Box 106, Ridgway, PA 15893. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Ridgway Station, HCR 1, Box 106, Ridgway, PA 15893
Duration: 07/01/96 to 06/30/99
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-121 Furnish all labor, materials and equipment for removal of snow, salting, chindering from driveway and parking area at the Bureau of Training and Education (Academy), 175 East Hershey Park Drive, Hershey, PA 17033. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Bureau of Training and Education (Academy), 175 East Hershey Park Drive, Hershey, PA 17033
Duration: 11/01/96 to 06/30/97
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-122 Furnish all equipment, material and labor to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; wash windows inside and outside; general housecleaning twice a year; shampoo carpet at the Pennsylvania State Police, Clearfield Station, R. D. 1, Box 3314, Clearfield, PA 16881. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Clearfield Station, R. D. 1, Box 314, Woodland, PA 16881-9781
Duration: 07/01/96 to 06/30/97
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-123 Furnish all equipment, material and labor to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; wash windows inside and outside; general housecleaning twice a year; shampoo carpets at the Pennsylvania State Police, 79 Murray Road, Meadville, PA 16335. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Meadville Station, 79 Murray Road, Meadville, PA 16335-0479
Duration: 07/01/96 to 06/30/97
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-124 Furnish all labor, materials and equipment to provide janitorial services at the Pennsylvania State Police, Punxsutawney Headquarters, P. O. Box 445, 445 North Findley Street, Punxsutawney, PA 15767-0445. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Punxsutawney Headquarters, P. O. Box 445, 445 North Findley Street, Punxsutawney, PA 15767-0445
Duration: 07/01/96 to 06/30/97
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-125 Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; and shampoo carpets at the Belle Vernon Station, 560 Circle Drive, Belle Vernon, PA 15012. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Belle Vernon Station, 560 Circle Drive, Belle Vernon, PA 15012-9654
Duration: 06/01/96 to 06/30/99
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-127 Furnish all labor, equipment, and material to perform janitorial services including empty 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. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Limerick Station, 483 West Ridge Pike, Limerick, PA 19468
Duration: 05/01/96 to 06/30/99
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-128 Furnish all labor, equipment, and material to perform janitorial services including empty 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 etc., at the New Castle Station, R. D. 2, Box 467, New Castle, PA 16101. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, New Castle Station, R. D. 2, Box 467, New Castle, PA 16101
Duration: 07/01/96 to 06/30/98
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

FM-129 Furnish all equipment, material and labor to perform janitorial services three (3) visits per week at the Beaver Station, 1400 Brighton Road, Beaver, PA 15009, including damp mop tile floors; sweep carpets; wipe walls and doors; clean lavatories; wash windows inside and outside; semi-annual housecleaning at the discretion of the Officer in Charge or his representative. (Snow removal from sidewalks included in specifications). Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Beaver Station, 1400 Brighton Road, Beaver, Beaver County, PA 15009
Duration: 07/01/96 to 06/30/99
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

Landscaping Services—16

FM-126 Furnish all labor, materials and equipment to provide for fertilization, insect weed control and crown vetch control services to the Pennsylvania State Police, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Department Headquarters, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, Dauphin County, PA 17110
Duration: 07/01/96 to 06/30/99
Contact: Joan Berkoski or Deshawn Lewis, (717) 783-5484

1240-AG The PA Department of Transportation requires approximately 28 mowing cycles, herbicide application, spring clean-up and turf fertilization at safety rest area site on I-70 in Washington County. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8:00 a.m. to 3:00 p.m.

Department: Transportation
Location: Donegal Township, I-70 E.B., Washington County (1240), PA
Duration: 07-01-96 to 06-30-97
Contact: Robert E. Adamsky, (412) 439-7326

11095029 Landscape Maintenance Complement—This work consists of landscape maintenance throughout Beaver and Lawrence Counties. Operations include mowing, weeding, pruning, pesticide spraying, seeding, brushing, small tree removal, shrub planting, letter pickup and the furnishing of all tools and equipment.

Department: Transportation
Location: Engineering District 11-0, throughout Beaver and Lawrence Counties
Duration: 07-01-96 through 12-31-98 with renewal clauses
Contact: Joe DiPietro, (412) 429-4954

172091 Provide vegetation control and maintenance at properties of Lackawanna Refuse Site and Lehigh Electric Site, located at Old Forge Borough, Lackawanna County. Prospective bidders should register for and must attend a mandatory pre-bid inspection of the Lackawanna Refuse Site and the Lehigh Electric Site, to be held on March 12, 1996, at 11:00 a.m., at the Lackawanna Refuse Site. In case of inclement weather, alternate date for the mandatory pre-bid inspection will be March 19, 1996. Bidders should notify Chris H. Domashinski at (717) 826-2511, to register to attend the mandatory pre-bid inspection.

Department: Environmental Protection
Location: Lackawanna Refuse Site and the Lehigh Electric Site, Old Forge Borough, Lackawanna County, PA
Duration: May 1996 to October 31, 2000
Contact: Chris H. Domashinski, (717) 826-2511

Lodging/Meeting—18

EPA-596 Single lodging rooms for up to 31 persons on May 19, 20, 21 and 22, 1996. Lunch for up to 31 persons on May 20, 21, 22 and 23, 1996. Lunch to be delivered and set-up at the State Fire Academy, Lewistown between 12 noon and 1 p.m. Breakfast for up to 31 lodgers on May 20, 21, 22 and 23, 1996. Dinner for up to 31 persons on May 20, 21 and 22, 1996, 6 p.m.—7:30 p.m. Location to be in Lewistown, Pennsylvania area. Specifications for bid will be sent to interested parties.

Department: Pennsylvania Emergency Management Agency
Location: Lewistown, PA
Duration: May 19—23, 1996
Contact: Maurice G. Hilliard, (717) 783-3963

MEDP96 Meeting room for 125 persons with 4 breakout rooms (30 each classroom) on September 16, 17, 18, and 19, 1996. Rooms are to be available from 10:00 a.m. 9/16 through 12:00 noon 9/19 exclusively. Lodging for 100 singles on 16, 17, and 18 September with extended checkout. One buffet dinner; 2 lunches; 3 breakfasts; and a.m./p.m. breaks. Facility must be identified with the Allentown area, and meet ADA requirements. Contact David Mays, (717) 783-3647; bids must be received not later than March 20, 1996 at 1:00 p.m. in Room 809, Transportation and Safety Building, Harrisburg, PA.

Department: Transportation
Location: PennDOT Bureau of Operations and Maintenance, Allentown Area
Duration: September 16—19, 1996
Contact: David Mays, PennDOT Training, (717) 783-3647

Maintenance and Repair Services—20

CRE-0178 The contractor shall provide maintenance and repair services to institutional closed circuit television system, Pelco Brand, Burle monitors and recorders. Service technician must be dispatched within a 48 hour response time. Equipment located throughout institutional grounds. Bid proposal on file within agency Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001
Duration: July 1, 1996 through June 30, 1998 (two years)
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

Project No. DGS A 251-259 Project Title: Roadside Rest Renovations—Site No. 33/34. Brief description: toilet room alterations (to meet ADA requirements) and replace doors. Upgrade lighting and replace heat pumps. Work is limited to renovations within existing buildings. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of PA, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, March 20, 1996 at 2:00 p.m.

Department: General Services
Location: Route I-80 Eastbound and Westbound, Clinton County, PA
Duration: 120 calendar days from date of award
Contact: Bidding Unit, (717) 787-6556

1240-AP Requirements include 80 hours of plumbing repair and service at the safety rest area on I-70 in Washington County. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8:00 a.m. to 3:00 p.m.

Department: Transportation
Location: Donegal Township, I-70 E.B., Washington County (1240), PA
Duration: 7-1-96 to 6-30-97
Contact: Robert E. Adamsky, (412) 439-7326

DLR 03 To provide maintenance services on an "as needed" basis for two (2) 100 HP Graham Drives located at the State Correctional Institution—Smithfield.

Department: Corrections
Location: State Correctional Institution—Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 1996 through June 30, 1997
Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

DLR 04 To provide technical, repair and maintenance services for two (2) diesel generator units at the State Correctional Institution at Smithfield for the period from July 1, 1996 to June 30, 1997.

Department: Corrections
Location: State Correctional Institution—Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 1996 through June 30, 1997
Contact: Sharon M. Burks, Purchasing Agent, (814) 643-6520

1030 To provide tire repair or replacement and emergency tire services for the Pennsylvania Department of Transportation, Maintenance District 10-3, R. D. 2, Shippensburg, PA 16254.

Department: Transportation
Location: R. D. 2, Shippensburg, PA 16254
Duration: 7/01/96—06/30/97 w/optional 4—1 year renewals
Contact: Cal J. Guth, (814) 226-8200

Project No. DGS A 953-45 Revised Rebid Project title: Replacement of Upper Building Roofs. Brief description: remove existing gravel, roofing, insulation and flashings on various roofs and install new. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, March 20, 1996 at 2:00 p.m.

Department: General Services
Location: Penn Liquor Control Board, Northwest Office Building, Harrisburg, Dauphin County, PA
Duration: 120 calendar days from date of award
Contact: Bidding Unit, (717) 787-6556

Project No. 162 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 747 West Main Street, Plymouth, Luzerne County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 140 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 23rd and Randstead Streets, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 137 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 340 Harding Boulevard, Norristown, Montgomery County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 154 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, Rapps Dam Road, Phoenixville, Chester County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 157 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 143 South Tulpehocken Street, Pine Grove, Schuylkill County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. DGS 985-2 Phase I Project title: Museum Fixed Exhibits. Brief description: installation of permanent fixed exhibits in the Visitors' Center depicting Pontiac's War and Battle of Bushy Run with audio-visual equipment, exhibit graphics and photos and other display systems. General and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, March 27, 1996 at 11:00 a.m. Pre-bid conference has been scheduled for Thursday, March 7, 1996 at 10:00 a.m. at the Bushy Run Battlefield. Contact John Giblin, telephone (412) 527-5584. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Bushy Run Battlefield, Harrison City, Westmoreland County, PA
Duration: 120 calendar days from date of award
Contact: Bidding Unit, (717) 787-6556

Project No. 142 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 5350 Ogontz Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 145 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 3205 Lancaster Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

Project No. 148 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 2700 Southampton Road, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

CRE-0173 The contractor shall provide all adjusting, calibrating, repairing, replacement/repair parts, as recommended by the manufacturer to repair Rauland MC1350, Rauland 1410 Mixer AMP and Bogan MU-130 Mixer AMP Intercom Monitors. There are 18 units to be serviced under proposed contract. Units are located throughout the State Correctional Institution at Cresson. Bid proposal on file within agency Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 1996 through June 30, 1998 (two years)
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

FM 078095-04 Repair coal bunker chutes and gates—furnish all labor, materials, equipment, tools, and supervision to remove and replace discharge chutes and gates, and repair coal bunker in the boiler plant of White Haven Center.

Department: Public Welfare
Location: White Haven Center, Boiler Plant, White Haven, Luzerne County, PA 18661
Duration: 3 months
Contact: Sandra A. Repak, Purchasing Agent, (717) 443-4232

Project No. 151 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his form for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military Affairs
Location: PAARNG Armory, 200 Shady Lane, Philipsburg, Centre County, PA
Duration: 1 July 96—30 June 99
Contact: Emma Schroff, (717) 861-8518

CRE-0168 Contractor to provide electric motor repair services as required—estimated requirements of approximately 20—40 motors per year. Bid price to include labor, parts, administrative fees (if applicable). Contractor to pick up and deliver motors to institution. Bid requirements on file in agency Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, Old Route 22, P. O. Box A, Cresson, PA 16630
Duration: July 1, 1996 to June 30, 1999
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

Musical Services—22

33936 Music therapist will provide therapeutic activities for inmates in the Special Needs Unit for mentally ill offenders. It will be conducted in both individual and group settings. Fifteen (15) hours of service will be provided per week for 50 weeks per year. Interested vendors can call Robert Kaminski (412) 761-1955 for additional information.

Department: Corrections
Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233
Duration: July 1, 1996 to June 30, 1999
Contact: Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

Sanitation—24

1240-AR Provide and maintain containers and remove refuse at specified intervals at safety rest area on I-70 in Washington County. Specifications may be obtained by contacting the District Roadside Specialist, Monday through Friday, 8:00 a.m. to 3:00 p.m.

Department: Transportation
Location: Donegal Township, I-80 E.B., Washington County (1240), PA
Duration: 7-1-96 to 6-30-97
Contact: Robert E. Adamsky, (412) 439-7326

SP 262780 Sealed bids will be received at Regional Park Office No. 2, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387 and publicly opened and read. A bid opening date has not yet been set. For solid waste disposal at Ohiopyle State Park, Fayette County, PA. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Ohiopyle State Park.

Department: Conservation and Natural Resources
Location: Ohiopyle State Park, P. O. Box 105, Ohiopyle, PA 15470-0105
Duration: July 1, 1996 to December 31, 1998
Contact: Ohiopyle State Park, (412) 329-8591

Data Processing Services—27

95-CO866/95-010 The contractor shall provide Microcomputer Multimedia Authoring Software to the Department of Corrections.

Department: Corrections
Location: 55 A Utley Drive, Camp Hill, PA 17001-0598
Duration: 1 year
Contact: Linda Malinak, (717) 975-4931

Child Care Services—31

ME 50166 Funds are available to develop a Vocational-Technical Education Consortium of States (V-TECS) educational product for the "Multiskilled Health Technician." The educational components include task list, performance steps, enabling competencies, related skills, criterion-referenced test item bank, and instructional elements. The product must be validated by professionals in the health field.

Department: Education
Location: Bureau of Vocational-Technical Education, Vocational Health Courses in Secondary and Post-Secondary Educational Institutions
Duration: May 1, 1996 through September 30, 1997
Contact: K. C. Simchok, (717) 783-6592

Real Estate Services—35

090-000204 The consultant is to prepare appraisal reports to estimate the fair market value of properties which have been effected by condemnation. The appraisals will estimate value both before and after having an effective date as of the condemnation. All appraisals must comply with Title III of the Uniform Act. The reports will be reviewed for compliance with the Uniform Act. Appraisers must be certified in Pennsylvania and on PennDOT's prequalified appraiser list.

Department: Transportation
Location: District 9-0 Right of Way Unit, Properties to be appraised are located in Logan and Antis Townships, Blair County, PA
Duration: Up to five years from date of appraisal contract
Contact: James R. Anthony, (814) 696-7219

Rentals/Leases—37

2-0-00225 The Pennsylvania Department of Transportation Engineering District 0200 will be renting one crawler tractor with operator for each County Maintenance District within Engineering District 0200.

Department: Transportation
Location: Centre, Clearfield, Clinton, Cameron, McKean, Potter, Mifflin, Elk and Juniata Counties, PA
Duration: July 1, 1996 to June 30, 1997
Contact: Grover C. Beightol, (814) 765-0492

870A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 13,798 useable square feet of new or existing office space in Chambersburg, Franklin County, PA, with minimum parking for thirty-one (31) vehicles, within the Borough of Chambersburg. In areas where street or public parking is not available, an additional forty-seven (47) parking spaces are required. The office must be situated within three (3) blocks of a public transportation system. Proposals due: April 15, 1996. Solicitation No.: 092188.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1995-96
Contact: Doris Deckman or Cynthia T. Lentz, (717) 787-4394

Mine Reclamation—38

BF 376-101.1 Abandoned Mine Land Reclamation, Glendale Contracting Company Site. Involves an estimated 8,000 c. y. grading, 18.5 acres selective grading and 23 acres of seeding.

Department: Environmental Protection
Location: Beccaria Township, Clearfield County
Duration: 150 days after notice to proceed
Contact: Construction Contract Unit, (717) 783-7994

[Pa.B. Doc. No. 96-330. Filed for public inspection March 1, 1996, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>01. BARBER SERVICES
general</p> <p>02. PERSONNEL/CLERICAL SERVICES
transcribing, telephone answering, radio dispatch, secretarial, temporary help employment agency</p> <p>03. TELECOMMUNICATIONS SERVICES AND EQUIPMENT
mobile radios, P. A. systems, televisions, radios and telephones: equipment and repair</p> <p>04. CONSTRUCTION
alterations, miscellaneous, roofing, building, flooring, remodeling, asphalt and concrete, paving, highway projects, stream rehabilitation projects</p> <p>05. HVAC
air conditioning and heating, water conditioner, miscellaneous repair, refrigeration services, furnace and steam plant</p> <p>06. ELEVATOR MAINTENANCE SERVICES
elevator maintenance</p> <p>07. CONSULTING SERVICES
miscellaneous, training, workshops, education, research, testing service, technical assistance legal, certified public accountant, management, public relations, bilingual services, planning, financial planning, environmental research</p> <p>08. COURT REPORTING SERVICES
hearing</p> <p>09. DEMOLITION AND RENOVATION
structure, equipment</p> <p>10. MEDICAL SERVICES
medicine and drugs, general, consultant, laboratory, optical, mortuary, dental, ambulance, health care, veterinarian</p> <p>11. ENGINEERING SERVICES
miscellaneous, geologic, civil, mechanical, electrical, surveying, solar</p> <p>12. FIREFIGHTING, SAFETY AND RESCUE SERVICES
guard, burglar alarm, private investigator, armed courier, miscellaneous equipment</p> <p>13. FOOD SERVICES
commodities, surplus food processing, employment opportunities, etc.</p> <p>14. FUEL-RELATED SERVICES
installation of fuel tanks, pumping stations, pipe lines for fuel, includes utility related services</p> <p>15. JANITORIAL SERVICES
includes general, commercial maintenance, sweeping, cleaning, property maintenance</p> <p>16. LANDSCAPING SERVICES
general, pruning, tropical plants, design, harvesting crops</p> <p>17. LAUNDRY AND DRY CLEANING SERVICES
linen, laundry</p> <p>18. LODGING/MEETING FACILITIES
rooms and service, meals, room and board</p> <p>19. MAIL SERVICES
delivery, labeling, stuffing</p> | <p>20. MAINTENANCE AND REPAIR SERVICES
installation and/or repair of windows, doors, siding, fencing, walls, tanks, recapping tires, plumbing, electrical, equipment maintenance, painting and restoration, carpeting services, welding, drilling, excavating</p> <p>21. MOVING SERVICES
moving, car rental, storage, hauling, flying, bus, freight, travel service</p> <p>22. MUSICAL SERVICES
tuning and repair of musical instruments, use of instructors</p> <p>23. PHOTOGRAPHY SERVICES
general, aerial, lab development, consultant, blueprint reproduction art studios and schematic, advertising, graphic arts</p> <p>24. SANITATION
sanitation, recycling</p> <p>25. SUBSCRIPTION SERVICES
textbook educational material, testing material, miscellaneous, newsletter, miscellaneous printing, advertising</p> <p>26. UPHOLSTERING SERVICES
repair, refinishing, restoration</p> <p>27. DATA PROCESSING SERVICES
computer, keypunch, programming, analysis miscellaneous, equipment rental</p> <p>28. PEST CONTROL SERVICES
pest control, termite control, biological pest control</p> <p>29. RELIGIOUS SERVICES
contracting various clergy for hospitals, centers, etc.</p> <p>30. AUCTIONEER SERVICES
assistance in the sale of motor vehicles, equipment, etc.</p> <p>31. CHILD CARE SERVICES
Statewide child care services</p> <p>32. INSURANCE SERVICES
miscellaneous brokerage insurance services</p> <p>33. MECHANICAL MAINTENANCE AND REPAIRS
installation of handicap equipment into vehicles, homes, etc.</p> <p>34. RAILROAD SERVICES
transporting of goods by rail</p> <p>35. REAL ESTATE SERVICES
acquisition, disposition, leasing and appraisals of real estate</p> <p>36. SHOE REPAIRS
repair of shoes, braces and prosthetics</p> <p>37. RENTALS/LEASES
of medical equipment, construction equipment, movies, canvas tents, laboratory equipment, vehicles, storage facilities, office space</p> <p>38. MINE RECLAMATION
backfilling mine openings, extinguishing abandoned mine fires, flushing of mine voids, acid mine drainage abatement, regrading surface mines</p> <p>39. DRILLING SERVICES
well drilling, core drilling and exploratory drilling</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
0012-11	03/01/96	Budget Printing Center	6,500.00
1279115-01	02/14/96	Specialty Prod. and Insulation	19,936.52
1578195-01	02/15/96	Kennard & Gmerek	6,400.00
1590125-01	02/14/96	American Business Machines, Inc.	7,684.00
1688135-01	02/14/96	R & S Transportation Services, Inc.	49,487.00
1833115-01	02/15/96	Roche Diagnostic Systems	8,985.30
1881235-01	02/14/96	ATL East Tag and Label Co.	483,187.62
1903235-01	02/14/96	Research Seeds d/b/a Beachley Hardy Seed Co.	690.50
1903235-02	02/14/96	F. M. Brown Sons, Inc.	342.48
1903235-03	02/14/96	Agway, Inc. d/b/a Pro-Lawn Products	362.50
1903235-04	02/14/96	Ernst Conservation Seeds	3,458.20

Requisition or Contract #	Awarded On	To	In the Amount Of
1925235-01	02/14/96	Sansone Chevrolet/Motors Fleet	44,394.00
1933225-01	02/16/96	Outboard Marine Corp.	16,596.00
1942075-01	02/16/96	Labreco, Inc.	6,773.71
1983385-01	02/15/96	Kovalchick Corporation	5,500.00
1984205-01	02/15/96	NCS Assessments	17,507.35
2003305-01	02/14/96	Phillips Ford Sales	24,749.00
2010215-01	02/14/96	Essbar Equipment Co.	6,930.00
2061115-01	02/14/96	Weinstein Supply Corp.	29,349.65
2066215-01	02/15/96	Klaus Meter Division	5,488.70
2195115-01	02/15/96	Flex-O-Lite	47,700.00
2225215-01	02/14/96	Sandoz Pharmaceuticals Corporation	48,250.00
7313270-01	02/15/96	McKee Stewart Equipment Corp.	8,632.10
8222870-01	02/14/96	Resourcenet International	20,562.09
8222880-01	02/14/96	Utilicorp, Inc.	176,992.00

GARY E. CROWELL,
Secretary

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