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## February 28, 1998 (Pages 1115-1206)

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# PENNSYLVANIA BULLETIN

Volume 28 Number 9  
Saturday, February 28, 1998 • Harrisburg, Pa.  
Pages 1115—1206

**Agencies in this issue:**

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Community and Economic  
Development  
Department of Conservation and Natural  
Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Health Care Cost Containment Council  
Historical and Museum Commission  
Independent Regulatory Review Commission  
Insurance Department  
Navigation Commission for the Delaware River  
and Its Navigable Tributaries  
Office of Attorney General  
Pennsylvania Public Utility Commission  
State Employees' Retirement Board  
Treasury Department  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 279, February 1998**

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**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*.

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

### Printing Format

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

### Fiscal Notes

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

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

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Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

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## List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

## Recent Actions during the 1998 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1998 Regular Session.

### 1998 ACTS—Acts 1 through 13 (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>
1998-01	Jan. 27	SB382	PN1522	Immediately	Second Class County Code—omnibus amendments
1998-02	Jan. 27	SB425	PN1523	60 days	Athletics and Sports (5 Pa.C.S.)—athletic agents registration and penalty
1998-03	Jan. 27	SB641	PN1576	Immediately*	Judicial Code (42 Pa.C.S.)—juvenile law enforcement records and postconviction relief
1998-04	Jan. 29	SB307	PN1552	60 days	Labor—termination and discipline of employe for failure to report to work during state of emergency, prohibition
1998-05	Jan. 29	SB538	PN1533	60 days	Real Estate Tax Sale Law—omnibus amendments
1998-06	Jan. 29	HB631	PN1534	60 days	Municipal Claim and Tax Lien Law—attorney fees and sale of property in cities of first class
1998-07	Jan. 29	HB13	PN2583	Immediately	Fish and Boat Code (30 Pa. C.S.)—omnibus amendments
1998-08	Jan. 29	HB196	PN2107	60 days	Recorder of Deeds Fee Law—County Records Improvement Fund
1998-09	Jan. 29	HB441	PN2579	30 days	Military Code (51 Pa.C.S.)—absence without leave
1998-10	Jan. 29	HB1065	PN2687	Immediately	Deputy Sheriffs' Education and Training Act—omnibus amendments
1998-11	Jan. 29	HB1345	PN2662	Immediately	Agricultural Law Resource and Reference Center Act—enactment
1998-12	Jan. 29	HB1763	PN2226	Immediately	Repeals—obsolete law relating to vendors of mineral waters, etc.
1998-13	Jan. 30	HB1476	PN2784	Immediately	Storage Tank and Spill Prevention Act—omnibus amendments

\* with exceptions

### 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 Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, (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, (717) 787-5320.

CARL MEASE,  
Director  
Legislative Reference Bureau

[Pa.B. Doc. No. 98-325. Filed for public inspection February 27, 1998, 9:00 a.m.]

## CAPITOL PRESERVATION COMMITTEE

### Request for Bid Proposals; Limited Edition Reproduction "Commonwealth" Statue

*Objective:* The Capitol Preservation Committee is requesting bids for a limited edition reproduction of "Commonwealth" in order to commemorate the restoration of the statue. The objective is to produce an exact replica of "Commonwealth," not an interpretation.

*Bid Due Date:* March 13, 1998, 12 p.m.

*Delivery:* August 3, 1998, 2 p.m.

*Contact:* Chris Connell. Capitol Preservation Committee, (717) 783-6484, fax: (717) 772-0742, e-mail: cconnell@legis.state.pa.us.

*Prebid Qualifications:*

*Sculptor:*

- Minimum 5 years experience in fine art realistic sculpture
- Photos of previous work submitted with bid
- Small sample of previous work required upon request
- AutoCAD capabilities requested, but not required

*Foundry:*

- Minimum 5 years experience casting "bonded bronze" fine art realistic sculpture
- Photos of previous work submitted with bid
- Small sample of previous work required upon request

*Original:*

- Corrective views, AutoCAD drawings/dimensions provided by Pennsylvania Capitol Preservation Committee.

*Clay Model:*

- Must be approved by Committee
- Due Date:* April 23, 1998, 2 p.m.

*Prototype:*

- Must be approved by Committee
- Due Date:* May 14, 1998, 2 p.m.
- To be given to Committee upon completion of casting

*Production Sample:*

- Must be approved by Committee
- Due Date:* June 1, 1998, 2p.m.
- To be given to Committee prior to completion of casting

*Production Rights:*

- The Pennsylvania Capitol Preservation Committee maintains sole and exclusive rights, titles and interest in all aspects of the production and reproduction of "Com-

monwealth" including but not limited to photos, drawings, measurements, original artwork, models, prototypes, production samples, castings and reproductions. No sale, public or private, of "Commonwealth" productions, reproductions or items of whatsoever nature related to "Commonwealth" shall be permitted without the express written consent of the Pennsylvania Capitol Preservation Committee. Nothing contained herein shall or shall be deemed to alter, vary or modify the rights, titles and interest, both by way of intellectual property rights and others, of the Pennsylvania Capitol Preservation Committee in "Commonwealth" productions, reproductions or items of whatsoever nature pertaining to or related to "Commonwealth."

*Bid Request:*

- Bid should be itemized and should reflect all production, shipping and handling costs.

- Please fax: (717) 772-0742

*Casting:* Delivery August 3, 1998, 2 p.m.

*Reproduction Medium:*

- "Bonded Bronze"
- 50% Bronze Powder/50% Polyester Resin
- Staff, Eagle, ribbon and right arm prefabricated in pewter to avoid breakage

*Reproduction Finish:*

- Appearance of antique gold patina

*Reproduction Height:*

- Approximately 14 inches total from 1/2 ball to top of Eagle

*Reproduction Base:*

- Approximately 6" x 6" square and 2" high
- Prices required on two mediums:
  - Wood, varnished mahogany with molding to complement
  - Marble, polished and with a color to complement statue

*Reproduction Mounting:*

- Secured to base with metal rod/bolt
- Not white or light color

*Reproduction Inscription:*

- Inscription attached to reproduction base
- Brass plaque appropriate size with finish to complement statue
- Inscription will read as follows: "Commonwealth," Pennsylvania State Capitol, 1905-1998, *Limited Edition.*

*Reproduction Signature:*

- Current artist signature/initials on reverse of ball

*Reproduction Packaging:*

—Individual packaging with protective material in boxes sized to statue

*Production Rights:*

—Same as "original" production rights

*Bid Request:*

—Bid should be itemized and reflect all production, shipping and handling costs for the following:

1. 500 and 1,000 statues w/marble base
2. 500 and 1,000 statues w/wood base

REP. PAUL I. CLYMER,  
*Chairperson*

[Pa.B. Doc. No. 98-326. Filed for public inspection February 27, 1998, 9:00 a.m.]

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

### PART I. GENERAL

[234 PA. CODE CHS. 50 AND 100]

#### Order Amending Rule 141 and Revising the Comment to Rule 83; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a *Final Report* explaining the February 13, 1998 amendment of Rule of Criminal Procedure 141 (Preliminary Hearing) and the revision of the *Comment* to Rule of Criminal Procedure 83 (Trial in Summary Cases). These changes clarify the procedures in summary trials and preliminary hearings when an attorney for the Commonwealth is not present to prosecute. The *Final Report* follows the Court's Order.

#### Order

*Per Curiam:*

Now, this 13th day of February, 1998, upon the recommendation of the Criminal Procedural Rules Committee; this Recommendation having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a *Final Report* to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

- (1) Pa.R.Crim.P. 141 is hereby amended, and
- (2) the revision of the Comment to Pa.R.Crim.P. 83 is hereby approved, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 1998.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### PART I. GENERAL

##### CHAPTER 50. PROCEDURE IN SUMMARY CASES

##### PART VI. GENERAL PROCEDURES IN SUMMARY CASES

#### Rule 83. Trial in Summary Cases.

\* \* \* \* \*

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

#### Comment

\* \* \* \* \*

Paragraph (E)(2)(b) is included in the rule in light of *North v. Russell*, 427 U.S. 328 (1976). For the procedures

for taking, perfecting, and handling an appeal, see Rule 86.

As the judicial officer presiding at the summary trial, the issuing authority controls the conduct of the trial generally. When an attorney appears on behalf of the Commonwealth, or on behalf of a municipality pursuant to paragraph (C), the prosecution of the case is under the control of that attorney. When no attorney appears at the summary trial on behalf of the Commonwealth or a municipality, the issuing authority may ask questions of any witness who testifies, and the affiant may request the issuing authority to ask specific questions. In the appropriate circumstances, the issuing authority may also permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the issuing authority.

\* \* \* \* \*

For the statutory authority to sentence a defendant to pay restitution, see 42 Pa.C.S. § 9721(c) and 18 Pa.C.S. § 1106(c). See also 18 Pa.C.S. [ , ], § 1106(c)(2)(iv), which prohibits the court from ordering the incarceration of a defendant for failure to pay restitution if the failure results from the defendant's inability to pay.

Before imposing both a fine and restitution, the issuing authority must determine that the fine will not prevent the defendant from making restitution to the victim. See 42 Pa.C.S. [ , ], §§ 9726(c)(2) and [ § ] 9730(b)(3).

\* \* \* \* \*

#### Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the October 1, 1997 amendments to paragraph (E) and the Comment concerning the procedures at the time of sentencing published with the Court's Order at 27 Pa.B. 5414 (October 18, 1997).

**Final Report explaining the February 13, 1998 Comment revision concerning questioning of witnesses published with the Court's Order at 28 Pa.B. 1127 (February 28, 1998).**

##### CHAPTER 100. PROCEDURE IN COURT CASES

##### PART IV. PROCEEDINGS BEFORE ISSUING AUTHORITIES

#### Rule 141. Preliminary Hearing.

[ (a) ] (A) The attorney for the Commonwealth may appear at a preliminary hearing and:

- (1) assume charge of the prosecution; and
- (2) recommend to the issuing authority that the defendant be discharged or bound over to court according to law.

[ (b) ] (B) When no attorney appears on behalf of the Commonwealth at a preliminary hearing, the affiant may [ request the issuing authority ] be permitted to ask questions of any witness who testifies.

[ (c) ] (C) The defendant shall be present at any preliminary hearing except as provided in these rules, and may [ , if he desires ]:

- (1) be represented by counsel;
  - (2) cross-examine witnesses and inspect physical evidence offered against [him] the defendant;
  - (3) call witnesses on [his own] the defendant's behalf, other than witnesses to [his] the defendant's good reputation only [ , ];
  - (4) offer evidence on [his] the defendant's own behalf and testify; and
- [ (4) ] (5) make written notes of the proceedings, or have [his] counsel do so, or make a stenographic, mechanical, or electronic record of the proceedings.

[ (d) ] (D) If a prima facie case of the defendant's guilt is not established at the preliminary hearing, and no application for a continuance, supported by reasonable grounds, is made by an interested person, and no reason for a continuance otherwise appears, the issuing authority shall discharge the defendant.

**Official Note:** Formerly Rule 120, adopted June 30, 1964, effective January 1, 1965; suspended **January 31, 1970**, effective May 1, 1970; revised January 31, 1970; effective May 1, 1970; renumbered and amended September 18, 1973, effective January 1, 1974; amended June 30, 1975, effective July 30, 1975; amended October 21, 1977, effective January 1, 1978; paragraph [ (d) ] (D) amended April 26, 1979, effective July 1, 1979; **amended February 13, 1998, effective July 1, 1998.**

#### Comment

As the judicial officer presiding at the preliminary hearing, the issuing authority controls the conduct of the preliminary hearing generally. When an attorney appears on behalf of the Commonwealth, the prosecution of the case is under the control of that attorney. When no attorney appears at the preliminary hearing [ in ] on behalf of the Commonwealth, the issuing authority may ask questions of any witness who testifies, and the affiant may request the issuing authority to ask specific questions. **In the appropriate circumstances, the issuing authority may also permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the issuing authority.**

[ The 1975 modification to paragraph (c) ] Paragraph (C)(3) is intended to make clear that the defendant [ can ] may call witnesses at a preliminary hearing only to negate the existence of a prima facie case, and not merely for the purpose of discovering the Commonwealth's case. The modification changes the language of the rule interpreted by the Court in *Commonwealth v. Mullen*, [ 460 Pa. 336, ] 333 A.2d 755 (Pa. 1975). This amendment was made to preserve the limited function of a preliminary hearing.

[ For suspension of Act of Assembly see Rule 159(g). ]

#### Committee Explanatory Reports:

Final Report explaining the February 13, 1998 amendments concerning questioning of witnesses published with the Court's Order at 28 Pa.B. 1127 (February 28, 1998).

## FINAL REPORT

### Procedures in Summary Trials and Preliminary Hearings When an Attorney for the Commonwealth Is Not Present to Prosecute

#### Introduction

On February 13, 1998, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court amended Rule of Criminal Procedure 141 (Preliminary Hearing) and approved the revision of the Comment to Rule of Criminal Procedure 83 (Trial in Summary Cases) to clarify the procedures in summary trials and preliminary hearings when an attorney for the Commonwealth is not present to prosecute. These changes will be effective July 1, 1998. This *Final Report* highlights the Committee's considerations in formulating these amendments.<sup>1</sup>

#### Discussion

In correspondence with the Committee, a few attorneys and district justices pointed out that, although Rules 83(c) and 141(b) govern procedures before a district justice in cases in which the attorney for the Commonwealth does not appear, the provisions are not identically worded. Under Rule 83(c), when "no attorney appears on behalf of the Commonwealth, the affiant may be *permitted* to ask questions of any witness who testifies." (emphasis added). Under Rule 141(b), when "no attorney appears on behalf of the Commonwealth at a preliminary hearing, the affiant may *request* to ask questions of any witness who testifies." (emphasis added). These differences in the two provisions have generated confusion and the following questions: Does the affiant ask all the questions? Does the district justice ask the questions which the affiant poses? May an affiant's questions extend to cross-examining defense witnesses? Should there be different procedures for summary trials and preliminary hearings when an attorney for the Commonwealth is not present?

After reviewing the procedures for summary trials and preliminary hearings and the questions, the Committee concluded that the procedures should be the same for summary trials and preliminary hearings. District justices should have complete discretion about how to handle a case if an attorney for the Commonwealth does not appear, including the extent of the questioning by the affiant. In view of this, Rule 141(B) has been amended so that both Rule 141(B) and Rule 83(C) provide that "the affiant may be permitted to ask questions of any witness who testifies" in cases in which the attorney for the Commonwealth does not appear.

The *Comments* to both rules have been revised to make it clear that the district justice controls the conduct of the summary trial or the preliminary hearing, including the questioning of witnesses when there is no attorney for the Commonwealth present, and to provide district justices with guidance about the various questioning options available when the attorney for the Commonwealth does not appear. For example, the district justice could ask the questions, or the district justice could permit the affiant to ask the questions, or any combination of the two.

[Pa.B. Doc. No. 98-327. Filed for public inspection February 27, 1998, 9:00 a.m.]

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

# Title 255—LOCAL COURT RULES

## BLAIR COUNTY

### Administrative Order Re: Local Rules of Civil Procedure; 98 GN 907

#### Order

Now, this 6th day of February, 1998, pursuant to the provisions of Pennsylvania Rule of Civil Procedure No. 239, the Court Administrator of Blair County shall take the following actions for the accomplishment of implementation of the Rules of this Court relating to procedure to be followed in civil matters as set forth in this Court's Order of February 6, 1998, in order that said Order might take effect Thirty (30) days following the date of its publication in the *Pennsylvania Bulletin*:

1. File in the Administrative Office of Pennsylvania Courts seven (7) certified copies of the Order of February 6, 1998;
2. Distribute two (2) certified copies of the Order of February 6, 1998, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and,
3. File one (1) certified copy of the Order of February 6, 1998, with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

#### Order

Now, this 6th day of February, 1998, this Court having recognized the need for revision of the Local Rules of Civil Procedure applicable to proceedings had within its jurisdiction and having accomplished such revision after full and complete study now provides the following Order:

*It Is Hereby Ordered, Directed and Decried* that the revised Rules of Civil Procedure for this Court (following hereto and made part hereof) are adopted and shall be controlling of practice before this Court effective Thirty (30) days after the date of publication of said Rules in the *Pennsylvania Bulletin* as required by the Supreme Court of Pennsylvania.

By the Court

THOMAS G. PEOPLES, Jr.,  
President Judge

#### Rule 76. Definitions.

*Local Rules*—These rules apply to any matter of business coming before this Court, unless designated otherwise.

*Status Conference*—A meeting among counsel and the Court to take place early in the litigation or at any other point the Court deems necessary to move the case toward resolution. No pretrial narratives are necessary. Counsel should be prepared to discuss the present status of the lawsuit, appropriate time limits for discovery, and possible use of Alternative Dispute Resolution. The Court may set discovery deadlines at this time and may schedule a formal pre-trial. See Rule 360.

*Pretrial Conference*—A meeting among counsel, the Court and such other persons as directed to be present or permitted to attend by the Judge. The purpose shall be to discuss the posture of the case, including settlement, in an effort to prepare the case for trial. A formal narrative is required for this conference. See Rule 365.

*Settlement Conference*—A meeting among counsel, litigants, the Court and other such persons as directed to be present or permitted to attend by the Judge with the purpose of resolving the action. All persons with settlement authority will be required to attend unless specifically excused.

*Request for Argument/Hearing*—An order of Court setting a date, time and location for hearing on a petition or motion requiring a decision of Court. See Rule 275.

*Summary Jury Trial*—An alternative dispute resolution tool to be scheduled upon request of the parties and/or at the direction of the Court. The purpose of the Summary Jury Trial is to provide an expedited proceeding which promotes settlement of the action. The attendance of the parties with authority to settle, including insurance adjuster, is mandatory. See Rule 1400.

*Blair County Bar Association Mediation Program*—An alternative dispute resolution tool which utilizes the time and skills of several experienced members of the Blair County Bar who act as voluntary, neutral mediators providing the parties with an opportunity to expand and develop areas of agreement which can resolve their dispute at considerable savings of financial and human resources to everyone involved. Submission of cases to the Blair County Bar Association Mediation Program is completely voluntary. See Rule 1500.

#### Rule 211. Oral Arguments.

(a) It is the preference of the Court to decide all motions on briefs. Oral arguments are difficult to timely schedule and act to delay the progress of cases.

(b) Counsel may request oral argument in situations where a brief is insufficient to properly set forth the argument. The request for oral argument must be made in writing within ten (10) days of the filing of the motion.

(c) The request for argument shall be submitted to the Court Administrator's Office along with a statement setting forth the reasons for the necessity of oral argument.

(d) The Court Administrator's Office shall refer the matter to the trial Judge and it shall be within the discretion of the Judge whether the argument will be scheduled.

(e) The Court, upon its own motion, may schedule oral argument as it deems necessary.

#### Rule 216. Continuances.

(a) The Court disfavors continuances due to the difficulty in promptly rescheduling matters. All applications for continuance shall be made by written motion. The motion shall specify the factual basis for the request of the proposed continuance. The request for continuance shall be filed with the Court Administrator's Office and will be forwarded to the assigned Judge.

(b) Any request must specify the position of the opposing party/parties. Failure to specify the position of opposing party/parties may result in automatic denial of the request.

(c) Requests for continuances shall be made at least two (2) weeks in advance of the hearing date. Where the continuance is not timely filed, the reasons for the delay shall be specifically set forth in the motion.

(d) Any continuance request shall contain certification that the client has been notified and does not oppose the request.

(e) The Court Administrator's Office shall notify the requesting party of the Court's decision on the motion and it shall be the requesting party's obligation to notify all parties of record.

(f) Continuance forms shall be prescribed by the Court and obtained from the Court Administrator's Office.

**Rule 275. Request for Argument/Hearing.**

(a) All petitions requiring a decision of Court, except for Motions for Summary Judgment, Judgment on Pleadings or Preliminary Objections, shall have attached a request similar in form to that reproduced below.

(b) All petitions containing a request shall be forwarded to the Court Administrator's Office by the Prothonotary.

(c) Once a request has been signed by a Judge, the Court Administrator's Office shall phone the moving party to inform them of the date, time and location of the argument/hearing.

(d) It shall be the responsibility of the moving party to notify all other parties of record of the date, time and location of the argument/hearing.

(e) Counsel shall be afforded the option of obtaining dates and times for requests for hearing by presenting the motion or petition to the Assistant Court Administrator immediately prior to the beginning of Motions Court. The District Court Administrator will submit the request for argument/hearing to the Motions Court Judge for signature. The moving party remains responsible for notice to the other parties of record.

IN THE COURT OF COMMON PLEAS OF  
BLAIR COUNTY, PENNSYLVANIA

VS: NO: \_\_\_\_\_

REQUEST FOR ARGUMENT/HEARING

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 199 \_\_, argument/hearing is set for the \_\_\_\_\_ day of \_\_\_\_\_, 199 \_\_, at \_\_\_\_\_ o'clock \_\_ M. in Courtroom No. \_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_ J.

**Rule 310. Presentation of Motions and Petitions.**

(a) All motions and petitions requesting an Order of Court shall be filed with the Prothonotary's Office, which shall forward the motion or petition to the Court Administrator's Office for placement with the assigned Judge.

*Exceptions:*

The following motions or petitions may be filed directly with the Court Administrator's Office, which will forward them to the appropriate Judge:

1. Motions for continuance, except with respect to juvenile and domestic matters [see (d) below].
2. Petitions for Court approval of stipulations or agreements.
3. Requests for Argument/Hearing or agreed upon Order may be presented to the Assistant Court Administrator immediately prior to the beginning of Motions Court. The Assistant Court Administrator will then assign a date and time and will submit the Request for Argument/

Hearing or Order for the Judge to execute said Order without counsel being present. See Rule 275.

(b) All Protection from Abuse Petitions shall be filed with the Court Administrator's Office.

(c) Any motion or petition may be submitted directly to the assigned Judge where leave of Court to do so has been requested and granted.

(d) All juvenile and domestic petitions, agreements and continuances shall be filed with the juvenile or domestic offices.

(e) Counsel shall always prepare and submit with any motion or petition a suggested Order granting the requested relief.

(f) Any such motion or petition which is based upon a statute or Rule of Court shall cite the specific statute or rule which authorizes the requested relief.

(g) The movant and respondent shall serve copies of their respective filings upon the opposing party at the time such filings are clocked in with the Prothonotary's Office in order to afford opposing counsel immediate notice of the filing. After receiving a date for hearing, counsel for the moving party shall inform the opposing counsel of the date and time of the hearing. Counsel shall likewise serve the opposing party with signed Orders for hearings.

**Rule 320. Motions for Decision.**

(a) This rule shall apply to Preliminary Objections, Motions for Judgment on the Pleadings and Summary Judgment Motions.

(b) The original motion and brief shall be filed with the Prothonotary with the exception of Preliminary Objections (See Rule 325 Briefs), who shall then transfer the motion and brief to the Court Administrator's Office.

(c) The Court Administrator shall transfer the file to the assigned Judge for decision once all briefs are received or in the event a brief is not received, in accordance with Rule 325, the Court Administrator's Office shall notify the assigned Judge so an appropriate Order may be issued.

**Rule 325. Briefs.**

1. *Timing of Briefs*

a. No later than twenty (20) days after the filing of Preliminary Objections, the moving party must file a supporting brief.

b. Motions for Summary Judgment and Motions for Judgment on Pleadings shall be accompanied by a supporting brief.

c. The motions and briefs shall be filed with the office of the Prothonotary.

d. All response briefs shall be filed no later than twenty (20) days of receipt of the moving party's brief.

e. Service shall be made in conformance with Pa.R.C.P. § 440.

f. All requests for extensions of the twenty (20) day period to file responsive briefs shall be submitted in writing to the Court Administrator's Office and will be referred to the trial Judge for consideration.

2. *Failure to File Briefs*

a. If a Motion for Summary Judgment or a Motion for Judgment on the Pleadings is filed without a supporting brief, the Motion will be dismissed by Order of Court.



b. If a brief in support of Preliminary Objections is not filed within twenty (20) days after the Preliminary Objections have been filed, they shall be dismissed by Order of Court.

c. If a reply brief is not timely filed, the Court may dispose of the motion without such response brief and/or a monetary sanction may be imposed by the Court.

d. If any motion is settled or withdrawn prior to disposition, the moving party shall so inform the Court Administrator in writing.

**Rule 330. Format and Contents of Briefs.**

(a) The brief of the moving party shall contain a statement of the questions involved, a history of the case, and argument. The brief of the adverse party need contain only his argument, but may add a counter-statement of the questions involved and a counter-history of the case.

(b) The statement of the questions involved shall set forth each question separately.

(c) The history of the case shall begin with a statement of the form of the action or proceeding followed by a concise, chronological statement.

(d) The argument shall be divided into as many parts as there are questions to be argued, each part with a heading indicating the particular question discussed therein. If reference is made to the evidence or charge, the arguments shall set forth an immediate connection therewith or in a footnote thereto as reference to the page of the transcript where the matter referred to appears.

**Rule 350. Faxed Documents.**

(a) Faxed documents may not be filed directly with the Prothonotary in the absence of the specific direction of the trial Judge.

(b) The Court Administrator's Office shall be contacted prior to faxing any documents to be docketed. A hard copy shall be mailed to the attention of the Court Administrator's Office within seventy-two (72) hours of faxing the document. Failure to comply may result in appropriate sanctions.

**Rule 360. Status Conference.**

(a) This rule shall govern the conduct of status conferences.

(b) In any complex case or other action which the Court deems applicable, a status conference may be scheduled by the Court for purposes of discussing the following, including but not limited to:

1. The facts of the case;
2. The status of discovery and what discovery is anticipated in the case;
3. Any novel legal questions which are or may be at issue in the case;
4. The status of the settlement demand and any responsive offers; and
5. Setting of discovery deadlines.

(c) Status conferences shall be scheduled upon request of the parties or in the discretion of the Court after the pleadings are closed.

(d) Subsequent to the status conference, the Court may issue any Order deemed necessary providing counsel with dates and times for any future proceedings that may be required.

(e) No written narratives need be filed for status conferences.

**Rule 365. Pretrial Procedure.**

I.

A. Pretrial conferences shall be scheduled in accordance with the Civil Case Management rules, or at the direction of the trial Judge.

B. The pretrial Judge shall generally be the trial judge.

C. Notice of the pretrial conference shall be contained within an order issued by the trial judge. Notice shall be provided, in most cases, at least thirty (30) days in advance of the pretrial.

D. Narratives shall be required for the first pretrial and shall be filed fifteen (15) days prior to the date of conference.

E. The narrative shall contain the following:

1. A brief summary of the facts;
2. All items of economic damages which the Plaintiff intends to prove, including medical bills, property damage bills and loss of earnings;
3. The names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses;
4. Copies of all reports of any expert who treated, examined, or was consulted in connection with the injuries complained of, and who may be called as an expert witness;
5. Copies of all reports of any expert whose opinion will be offered in evidence at the time of trial. Such reports shall include the findings and conclusions of the expert;
6. Any special legal or evidentiary issues;
7. The estimated length of trial;
8. Any scheduling problems;
9. The settlement demand and any responsive offers; and
10. A list of exhibits anticipated to be used at the time of trial.

F. At least one week prior to the time fixed for the pretrial conference, all parties shall confer and consult with each other as often as may be necessary for the following purposes:

1. To explore in every respect the possibility of settlement, including exchange of good faith demand and offer; and
2. To consider the factual and legal issues involved.

G. Supplements to a written pretrial memorandum may be filed by any party after their original pretrial memorandum has been filed. However, no supplemental pretrial may be filed later than thirty (30) days prior to the scheduled jury selection. Should any party need additional time for preparation or discovery as a result of a supplemental pretrial memorandum being filed, a petition must be promptly filed with the Court seeking such an extension of time prior to the scheduled trial date.

H. Any narrative and/or supplement not timely filed may result in a fine and a copy of the sanctioning order shall be sent to the litigants by the Court.

II.

Counsel attending the pretrial conference must have complete authority to stipulate regarding items of evi-

dence and admissions, and must have full settlement authority. Counsel shall have the client and/or those with settlement authority available either in person or by phone for consultations regarding settlement.

### III.

At the pretrial conference, counsel shall be prepared to discuss fully with the Court the possibility of settlement of the case. At the conclusion of the conference, the judge shall make an order reciting the actions taken at the conference, including: the agreements made by the parties as to any of the matters considered, the issues of trial, and the admissions of fact obtained at the conference. The pretrial conference Order shall include a date for the filing of any pretrial motions and supporting briefs, voir dire questions, and a scheduled date for argument relative thereto.

### IV.

Motions for Summary Judgment, consolidation, bifurcation, and severance must be made at least 30 days before the date of the pretrial conference.

Such motions generally require a decision before meaningful progress can be made in preparing a case for trial or negotiating a resolution to the lawsuit. It is the preference of the Court to resolve these matters prior to the pretrial conference if possible.

#### **Rule 375. Discontinuance.**

(a) Any discontinuance of an action shall be in accordance with Pennsylvania Rules of Civil Procedure and therefore entered by praecipe for discontinuance upon the docket of said action by a Plaintiff or by an attorney for the Plaintiff at the Plaintiff's direction. A discontinuance may also be entered by a written direction to the Prothonotary signed by the Plaintiff's attorney or by the Plaintiff, if duly notarized, and the same shall be accepted by the Prothonotary if all costs due the Prothonotary have been paid.

(b) Counsel shall provide a copy of any praecipe for discontinuance to the Court Administrator's Office simultaneous with providing the original to the Prothonotary's Office in order for scheduled matters to be promptly removed from the Court schedule so that counsel's appearance will not be expected by the Court. Any written direction to the Prothonotary complying with this rule may be sent to the Prothonotary by mail and shall be accepted for filing.

(c) Failure of Plaintiff's counsel of record to file a praecipe for discontinuance upon the settlement or withdrawal of such action shall result in a fine of up to One Hundred (\$100.00) Dollars within the discretion of the Court and/or a hearing will be set for the attorney to explain the reasons for their failure to discontinue the action. Their client(s) must also attend.

#### **Rule 1301. Arbitration.**

##### 1. Cases for Submission:

a. *By the Court Administrator*—The Court Administrator, through Civil Case Management, will schedule all Civil Cases which are at issue wherein the amount in controversy (exclusive of interest and costs) shall be Twenty-five Thousand Dollars (\$25,000.00) or less, per the pleadings. This includes all appeals from a civil judgment of District Justices, except those involving title to real estate or actions in equity. The above cases identified shall be submitted to, heard and decided by a Board of Arbitration, consisting of three (3) members of the Bar of the Court of Common Pleas to be selected as hereinafter provided.

b. *By the Parties*—Cases, whether or not at issue, regardless of amount or subject in controversy, may be referred to a Board of Arbitration by Agreement of Reference signed by all parties or their counsel, and may contain stipulations with respect to facts submitted or agreed upon or defenses waived. In such cases, the Agreement of Reference shall take the place of the pleading in the case and shall be filed of record.

c. *By Arbitration Certificate of Readiness*—Counsel for either party may prepare and file with the Prothonotary an Arbitration Certificate of Readiness as hereinafter set forth. Certificate of Readiness forms shall be prescribed by the Court and obtained from the Court Administrator's Office. Counsel and/or pro se parties shall serve a copy of the Certificate of Readiness on each party and attorney of record.

d. *By the Court*—Cases may be referred to arbitration where the Court is satisfied that the matter involves Twenty-five Thousand Dollars (\$25,000.00) or less, in accordance with Pa.R.C.P. § 1021(d).

#### **Rule 1302A. Arbitrators.**

Arbitrators will be selected from a Court-approved list after consultation with the Bar. No attorneys from the same law firm or office will serve on the same panel. One attorney will serve as the Case Manager, as designated by the Court.

a. Three (3) attorneys will serve on one panel. There will be weekly panels selected each year. Panels will meet on Thursdays in the designated Courtroom. The Case Manager will be responsible for:

1. Assuring readiness for arbitration—discovery completion, outstanding motions status.
2. Reviewing estimated trial time.
3. Discussing and encouraging resolution through pro bono mediation or other forms of alternative dispute resolution prior to hearing.

b. Following receipt of assigned case list, the Case Manager will contact the attorneys and/or parties in each case within ten (10) days after receiving the assignment.

c. The Case Manager shall obtain files and award forms from the Court Administrator and return files and awards to the Court Administrator, who files the awards with the Prothonotary.

d. The Case Manager will swear in the panel and take the oath.

e. Substitutions for panel members will be processed by the Court Administrator, who will secure a Court Order naming any substitute panel member.

#### **Rule 1303A. Hearings.**

All hearings shall be held in the Courthouse unless necessity dictates otherwise.

a. Counsel shall work diligently to assure settlements will be reached prior to the arbitration hearing. Earlier agreements allow for more efficient use of everyone's time.

b. In the event of a settlement agreement reached prior to hearing date, Plaintiff's counsel shall notify the Case Manager in writing before the hearing date. Otherwise, the Plaintiff will be charged arbitrators' fees for the total arbitration panel.

c. In the event both sides fail to appear for any reason without a continuance having been granted, each party shall be responsible proportionately for the arbitrators'

fees. Said fees must be paid to the Prothonotary within thirty (30) days from date of the scheduled arbitration. Fees will be established by the Court.

**Rule 1304 and 1305. Conduct of Hearing.**

a. The Board of Arbitrators shall conduct the hearing in accordance with Pa.R.C.P. 1304 and 1305.

b. Every document submitted, pursuant to Rule 1305(b) of the Pennsylvania Rules of Civil Procedure, shall state the name and present address of the individual or entity who provided the information contained in the document.

c. The Arbitration Case Manager does not have the duty or power to grant any continuance. Continuances are filed through the Court Administrator and may only be granted by the Court.

d. The panel is to be sworn in by the Case Manager who will also take the oath at the same time as the panel (in accordance with the Pa.R.C.P. 1302).

**Rule 1308. Appeal. Arbitrator's Compensation. Notice.**

a. Appeals from an award of a Board of Arbitrators shall be in conformity with Pa.R.C.P. 1308.

b. The Court of Common Pleas will establish the amount of compensation for arbitrators by Court Order. The members of the panel shall not be entitled to receive their fees until after filing the award with the Court Administrator.

c. Attorneys of record or parties who have no attorney shall be notified of an award of a Board of Arbitrators by the Prothonotary, in conformity with Pa.R.C.P. 1307.

In all other respects not clarified or established herein, the Pennsylvania Rules of Civil Procedure for Compulsory Arbitration (Rule 1301 et seq) shall be applicable. A copy of these rules is available in the Blair County Law Library.

[Pa.B. Doc. No. 98-328. Filed for public inspection February 27, 1998, 9:00 a.m.]

**WESTMORELAND COUNTY  
Orphans' Court Division**

**Order of Court**

And Now, to-wit this 12th day of February, 1998, it is Hereby Ordered, Adjudged and Decreed that the following changes in the Westmoreland County Orphans' Court Rules are adopted effective March 30, 1998:

1. Rule WO102(d) is adopted.
2. Rule WO117 section (f) is rescinded and new sections (f) through (h) are adopted.
3. Rules WO405 and WO406 are renumbered as WO406 and WO407 respectively.
4. New Rule WO405 is adopted.

By the Court

BERNARD F. SCHERER,  
President Judge

(Rule WO102 is amended by adding the following subsection.)

**Rule WO102.**

\* \* \* \* \*

**(d) Audit Hearings**

A petition setting forth relevant facts in the format established by the court, together with a proposed Decree of Distribution where applicable, shall be presented to the court. When the petition and proposed Decree are given to the Court Administrator, Orphans' Court Division, prior to the audit day, attendance at the audit by counsel or personal representatives will not be required unless there are specific matters to be addressed at the audit.

Revised February 12, 1998; effective March 30, 1998.

(Rule WO117 is amended by deleting current subsection f and adding new subsections f through h)

**Rule WO117.**

\* \* \* \* \*

**(f) Notice**

Notice of the filing of the account shall be sent to all interested parties at least 20 days prior to the date set for audit. If the court finds that notice has not been timely given, the audit may be continued to the next audit date.

Cross References: 20 Pa.C.S.A. § 3503; Pennsylvania Orphans' Court Rule 6.3

Explanatory Comment: "Interested parties" includes all beneficiaries, heirs and creditors who have not received payment in full, and any other persons who are likely to be affected by the adjudication. It is usually not necessary to notify specific legatees who have received satisfaction in full of their legacies prior to the filing of the account, and creditors who have been paid in full.

**(g) Confirmation**

All accounts will be confirmed nisi as of course on the last court day which is at least 10 days prior to the date established for audit.

Explanatory Comment: Audits have traditionally been held on Tuesdays. Accounts scheduled for audit on Tuesday will be confirmed nisi on the Friday which is eleven days prior to the audit.

**(h) Objections**

Objections to an account must be submitted to the court in writing on or before the date and time set for audit. A copy of the objections shall be provided to counsel for the estate, or the personal representative where there is no counsel of record, and to every other party who has entered an appearance who may be affected by the objection. Revised February 12, 1998; effective March 30, 1998.

(Current Rules WO405 AND WO406 are renumbered as WO406 and WO407 respectively. New Rule WO405 is added as follows):

Revised February 12, 1998; effective March 30, 1998

**Rule WO405. Petitions for Distribution.**

(a) A Petition for Distribution shall contain the caption for the Estate, be addressed to the presiding judge of the Orphans' Court Division of the Court of Common Pleas of Westmoreland County, Pennsylvania, and shall contain information in paragraphs numbered as follows:

(1) The date of death of decedent, whether decedent died testate or intestate, and the city, county and state of domicile (and country if not domiciled in the United States).

(2) The type of letters granted (testamentary or of administration, etc.), date of grant and if with or without bond.

(3) The newspaper and legal journal where letters were advertised, the date of the first complete advertisement, and an averment that this date was more than four months before the filing of the account. Proofs of publication shall be attached as Exhibit "A."

(4) Whether within three months after the grant of letters written notice was sent to I) any corporations and associations named as beneficiaries in the will; ii) the Commonwealth or political subdivision having a claim for maintaining the decedent in an institution where death occurred [see §§ 3330 and 3393 of the PEF Code]; and iii) beneficiaries and intestate heirs as required by Rule 5.6 of the Pennsylvania Orphans' Court Rules.

(5) (a) Whether decedent was married and if so, to whom.

(b) Whether the spouse survived, and date of death of the spouse if applicable.

(c) Whether there is an election by the surviving spouse. A copy of any election to take under or against a will shall be attached as an exhibit.

(6) Whether the decedent married and/or children were born to or lawfully adopted by the decedent after the execution of the will or codicil; if so, relevant names and dates.

(7) Whether there is a claim for the family exemption, the amount of the claim, by whom claimed, and whether the same has been set aside. Attach as an exhibit a copy of any claim which has been filed.

(8) Whether the estate is subject to Federal Estate Tax; if so, whether it has been paid and whether a closing letter has been received. Attach as an exhibit a copy of any closing letter received.

(9) Whether the estate is subject to Pennsylvania Inheritance Tax; if so, whether it has been paid and whether a Notice of Inheritance Tax Appraisal has been received. Attach as an exhibit a copy of any Notice received.

(10) Whether the estate is subject to Pennsylvania Estate tax; if so, whether it has been paid and whether an Estate Tax Determination has been received. Attach as an exhibit a copy of any Determination received.

(11) An averment that written notice has been given of the filing of the account and of the time and date for audit to every unpaid creditor who has given written notice of his claim to the petitioner or to the petitioner's attorney of record, together with a list of all unpaid creditors, the amounts of their claims, the category of claim under § 3392 of the PEF Code, and the extent to which their claims are admitted.

(12) Whether a charitable interest is involved; if so, whether notice was given to the Attorney General as required by Rule 5.5 of the Pennsylvania Orphans' Court Rules, and whether a response has been received. Attach as an exhibit a copy of any response.

(13) Whether the decedent was an inmate of a public institution; if so, an averment that a copy of the account, certified by counsel, was filed with the Pennsylvania Department of Revenue in accordance with Rule 6.7 of the Pennsylvania Orphans' Court Rules.

(14) Whether the decedent was a veteran or the child of a veteran entitled to benefits; if so, an averment that a copy of the account, certified by counsel, was filed with

the United States Veterans Administration in accordance with Rule 6.8 of the Pennsylvania Orphans' Court Rules.

(15) Whether the decedent received medical assistance after August 15, 1994; if so, whether the Department of Public Welfare has been given notice in accordance with the provisions of 62 Pa.C.S.A. § 1412.

(16) An averment that all parties, other than creditors, known to have an interest in the estate as unpaid heirs or beneficiaries, were given written notice of the filing of the account and of the time and date for audit at least twenty days prior to the date for audit. If such notice was not given, explain the circumstances in detail.

(17) (a) The names of any parties not sui juris and not represented.

(b) The names of any parties in the military service of the United States.

(c) Any entities (estates, guardianships, etc.) of which the decedent was a fiduciary at the time of death.

(18) Whether there is a partial or entire intestacy. Explain as necessary.

(19) The names and addresses of all persons having any interest as devisees, legatees or heirs, with the names of parents where necessary to show relationship.

(20) A statement of all changes in distribution under the will, resulting from the death of persons named as beneficiaries therein, election to take against the will or otherwise, together with the date of death of any such beneficiary.

(21) Whether any elections to take in kind have been made. Attach as an exhibit any such elections.

(22) An averment that no distribution has been made other than that appearing in the account or in the petition for distribution. Attach as an exhibit receipts for all distributions, or explain why any are omitted.

(23) An averment that all personal representatives are petitioners; or the names of and the circumstances surrounding those who have not joined as petitioners, attaching as an exhibit a copy of any written notice they have been given of the filing of the account and of the audit.

(24) A statement of all changes occurring since the filing of the account, including assets and income received, and disbursements and distributions made. Where there are more than a few items, they may be attached as exhibits rather than listed in the petition.

(25) The net balance and the kind, form, and character of the property to be distributed. Real estate shall be described in an exhibit as a proposed "Certificate of Award of Real Estate in Distribution" appropriately captioned and containing the names and addresses of the distributees, the nature of their interests where there is more than one distributee, a full description of the real estate to be distributed, and the value of each parcel to be distributed.

(26) Any other matters requiring adjudication.

(27) A request that a distribution be made by the Court in accordance with the proposed Decree of Distribution, which shall be submitted with the Petition.

(b) The petition shall be signed and verified by the personal representatives, and shall indicate their capacity.

Cross Reference: 20 Pa.C.S.A § 3513; Pennsylvania Orphans' Court Rule 6.9.

Revised February 12, 1998; effective March 30, 1998.

[Pa.B. Doc. No. 98-329. Filed for public inspection February 27, 1998, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that William H. Proctor, who resides outside the Commonwealth of Pennsylvania, having been disbarred from the practice of law in the State of Maryland, the Supreme Court of Pennsylvania issued an Order dated February 10, 1998, disbaring William H. Proctor from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney has never practiced in Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 98-330. Filed for public inspection February 27, 1998, 9:00 a.m.]

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### Notice of Suspension

Notice is hereby given that James P. Gittens, who resides outside the Commonwealth of Pennsylvania, having been placed on indefinite temporary suspension from the practice of law in the District of Columbia on December 19, 1994, the Supreme Court of Pennsylvania issued an Order dated February 10, 1998, placing James P. Gittens on indefinite temporary suspension from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney has never practiced in Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 98-331. Filed for public inspection February 27, 1998, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 22—EDUCATION

### DEPARTMENT OF EDUCATION [22 PA. CODE CH. 342]

[Correction]

#### Special Education Services and Programs; Extended School Year Services

An error occurred in the document which amended 22 Pa. Code § 342.34 (relating to ESY services), which appeared at 28 Pa.B. 1004, 1006 (February 21, 1998).

The definition of "IEP" which appeared in § 342.34(a) should have read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

#### TITLE 22. EDUCATION PART XVI. STANDARDS

#### CHAPTER 342. SPECIAL EDUCATION SERVICES AND PROGRAMS

#### IEP

#### § 342.34. ESY services.

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

\* \* \* \* \*

*IEP*—Individualized Education Program.

\* \* \* \* \*

[Pa.B. Doc. No. 98-295. Filed for public inspection February 20, 1998, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

### DEPARTMENT OF ENVIRONMENTAL PROTECTION [25 PA. CODE CH. 245]

#### Corrective Amendment to 25 Pa. Code § 245.1

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 245.1 (relating to definitions), as deposited with the Legislative Reference Bureau, and the official text published at 27 Pa.B. 5341, 5360 (October 11, 1997) and published in the December 1997 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 277), and as currently appearing in the *Pennsylvania Code*. In the amendment to § 245.1, the definitions of "certified company," "certified inspector" and "certified installer" were inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 245.1. The corrective amendment to 25 Pa. Code § 245.1 is effective as of October 11, 1997, the

date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 245.1 appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM

#### Subchapter A. GENERAL PROVISIONS

#### § 245.1. Definitions.

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

\* \* \* \* \*

*Cathodic protection tester*—A person who can demonstrate an understanding of the principles and measurements of common type of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, the person shall have education and experience in soil resistivity, stray current, structure to soil potential and component electrical isolation measurements of buried metal piping and tank systems.

*Certified company*—An entity, including, but not limited to, a sole proprietorship, a partnership or a corporation, which is authorized by this title to conduct tank handling activities, tightness testing activities or inspection activities using certified installers or certified inspectors, or both.

*Certified inspector*—A person certified by the Department to conduct inspections of tanks or storage tank facilities and who may conduct environmental audits. A certified inspector may not be an employe of a tank owner.

*Certified installer*—A person certified by the Department to install, modify or remove storage tanks. A certified installer may be an employe of a tank owner.

*Change-in-service*—One of the following:

(i) Continued use of a storage tank system to store an unregulated substance.

(ii) Continued use of a storage tank system in a manner which would exempt the system from the definition of aboveground storage tank or underground storage tank.

\* \* \* \* \*

[Pa.B. Doc. No. 98-332. Filed for public inspection February 27, 1998, 9:00 a.m.]

# Title 25—ENVIRONMENTAL PROTECTION

## PART V. DELAWARE RIVER BASIN COMMISSION [25 PA. CODE CH. 901]

### Groundwater Protected Area for Southeastern Pennsylvania

*Summary:* At its January 28, 1998, business meeting, the Delaware River Basin Commission (Commission) amended its Ground Water Protected Area Regulations for Southeastern Pennsylvania by the establishment of numerical withdrawal limits for subbasins in the Protected Area.

*Effective Date:* January 28, 1998.

*Addresses:* Copies of the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania are available from the Delaware River Basin Commission, P. O. Box 7360, West Trenton, New Jersey 08628.

*For Further Information Contact:* Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, (609) 883-9500 Ext. 203.

*Supplementary Information:* On June 24, 1997, the Commission held a public hearing on proposed amendments to its Ground Water Protected Area Regulations for Southeastern Pennsylvania as noticed in the *Pennsylvania Bulletin* issues of June 7, 1997 and June 21, 1997. The Commission has considered the extensive testimony and comments from interested parties and has revised the proposed amendments in response to those comments. A "Response Document on Proposed Amendments to the Southeastern Pennsylvania Ground Water Protected Area Regulations" is available upon request to Susan Weisman at the number provided above.

The Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania are hereby amended as follows:

1. Section 6 is hereby amended by the addition of new subsections h. through m., to read as follows:

h. Dockets and protected area permits may be issued for a duration of up to ten years and shall specify the maximum total withdrawals that must not be exceeded during any consecutive 30-day period. Such maximum total withdrawals shall be based on demands projected to occur during the duration of the docket or protected area permit.

i. Ground water withdrawal limits shall be defined for subbasins in accordance with the provisions of (1) or (2). The limits for specific subbasins are set forth in (3).

(1) Baseflow frequency analyses shall be conducted for all subbasins in the Southeastern Pennsylvania Ground Water Protected Area. The analyses shall determine the 1-year-in-25 average annual baseflow rate. The 1-year-in-25 average annual baseflow rate shall serve as the maximum withdrawal limit for net annual ground water withdrawals for subbasins. If net annual ground water withdrawals exceed 75 percent of this rate for a subbasin, such a subbasin shall be deemed "potentially stressed." The Commission shall maintain a current list of net annual ground water withdrawals for all subbasins. "Net" annual ground water withdrawals includes total ground water withdrawals less total water returned to the ground water system of the same subbasin.

(2) Upon application by the appropriate governmental body or bodies, the withdrawal limits criteria set forth in (1) may be revised by the Commission to provide additional protection for any subbasin identified in (3) with streams or stream segments designated by the Commonwealth of Pennsylvania as either "high quality" or "exceptional value," or "wild," or "scenic," or "pastoral," or to correspond with more stringent requirements in integrated resource plans adopted and implemented by all municipalities within a subbasin identified in (3). Integrated resource plans shall be developed according to sound principles of hydrology. Such plans shall at a minimum assess water resources and existing uses of water; estimate future water demands and resource requirements; evaluate supply-side and demand-side alternatives to meet water withdrawal needs; assess options for wastewater discharge to subsurface formations and streams; consider stormwater and floodplain management; assess the capacity of the subbasin to meet present and future demands for withdrawal and nonwithdrawal uses such as instream flows; identify potential conflicts and problems; incorporate public participation; and outline plans and programs including land use ordinances to resolve conflicts and meet needs. Integrated resource plans shall be adopted and implemented by all municipalities within a subbasin and incorporated into each municipality's Comprehensive Plan.

(3) The potentially stressed levels and withdrawal limits for all delineated basins and subbasins are set forth below:

Subbasin	Neshaminy Creek Basin	
	Potentially Stressed (mg/y)	Withdrawal Limit (mg/y)
West Branch Neshaminy	1,054	1,405
Pine Run	596	795
North Branch Neshaminy	853	1,131
Main Stem Doylestown	710	946
Main Stem Warwick	889	1,185
Little Neshaminy Warrington	505	673
Park Creek	582	776
Little Neshaminy Warminster	1,016	1,355
Mill Creek	1,174	1,565
Main Stem Northampton	596	794
Newtown Creek	298	397
Core Creek	494	658
Ironworks Creek	326	434
Main Stem Lower Neshaminy	3,026	4,034

Subject to public notice and hearing, this section may be updated or revised based upon the following: the completion of baseflow frequency analyses for the remaining subbasins within the Protected area; new and evolving information on hydrology and streamflow and ground water monitoring; or in accordance with (2).

j. Upon its determination that a subbasin is potentially stressed, the Commission shall notify all ground water users in the subbasin withdrawing 10,000 gallons per day or more during any 30-day period of its determination. If any such users have not obtained a docket or protected area permit from the Commission, they shall be required to apply to the Commission within 60 days of notification.

k. In potentially stressed subbasins, dockets and protected area permit applications for new or expanded ground water withdrawals must include one or more programs to mitigate the adverse impacts of the new or expanded ground water withdrawal. The eligible programs are noted below. If the remainder of the applica-

tion and the program(s) submitted are acceptable, the withdrawal may be approved by the Commission for an initial three-year period. The applicant shall implement the program(s) immediately upon Commission approval. If after the three-year period the program(s) is deemed successful by the Commission, the docket or permit duration may be extended for up to 10 years. The project sponsor shall be required to continue the program(s) for the duration of the docket or permit.

(1) A conjunctive use program that demonstrates the applicant's capability to obtain at least 15 percent of its average annual system usage from a reliable surface water supply. An acceptable program shall include either reservoir storage or an interconnection with a surface water supplier and an agreement or contract to purchase water from the supplier for the duration of the docket or permit.

(2) A water conservation program that exceeds the requirements of Section 7. For existing water utilities, the program shall reduce average annual per capita water usage by at least five percent. All conservation programs shall include water conservation pricing, either inclining block rates, seasonal rates, or excess-use surcharges, and plumbing fixture rebate or retrofit components. For self-supplied users, the program shall include water efficient technologies such as recycling, reuse, xeriscaping, drip or micro irrigation, or other innovative technology approved by the Commission.

(3) A program to monitor and control ground water infiltration to the receiving sewer system. The program must quantify ground water infiltration to the system and document reductions in infiltration. The program should include such measures as leakage surveys of sewer mains, metering of sewer flows in mains and interceptors, analysis of sewer system flows to quantify infiltration, and remedial measures such as repair of leaks and joints, main lining, and main replacement.

(4) An artificial recharge or spray irrigation program that demonstrates a return of at least 60 percent of the total new or expanded annual withdrawal to the same ground water basin and aquifer system from which it is withdrawn. The program shall not impair ground water quality.

(5) An alternative program approved by the Commission to mitigate the adverse impacts of the new or expanded ground water withdrawal.

1. The durations of all existing dockets and protected area permits may be extended by the Commission for an additional five years if the docket or permit holder

successfully implements either option k(1) or k(2). If the docket or permit holder successfully implements both options, the docket or permit may be extended for an additional ten years. The Executive Director shall notify all docket and permit holders potentially affected by this resolution of their right to file an application to determine their eligibility for extension.

m. It is the policy of the Commission to prevent, to the extent reasonably possible, net annual ground water withdrawals from exceeding the maximum withdrawal limit. An application for a proposed new or expanded ground water withdrawal that would result in net annual ground water withdrawals exceeding the maximum withdrawal limit established in paragraph i(3) shall set forth the applicant's proposal for complying with the Commission's policy, with such supporting documentation as may be required by the Executive Director. Notification of the application shall be given to all affected existing water users who may also submit comments or recommendations for consideration by the Commission on the pending application. In taking action upon the application, the Commission shall give consideration to the submissions from the applicant and affected water users. If the Commission determines that it is in the public interest to do so, it may reduce the total of proposed and existing ground water withdrawals within a subbasin to a level at or below the withdrawal limit. Unless otherwise determined by the Commission, docket and permit holders shall share equitably in such reductions.

2. This resolution shall become effective immediately.

Delaware River Basin Compact, 75 Stat. 688.

SUSAN M. WEISMAN,  
*Secretary*

**Fiscal Note:** Fiscal Note 68-34 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART V. DELAWARE RIVER BASIN COMMISSION  
CHAPTER 901. GENERAL PROVISIONS**

**§ 901.5. Groundwater protection area, Southeastern Pennsylvania.**

The Basin Regulations, Groundwater Protection, Southeastern Pennsylvania, as set forth at 18 CFR Part 430 (1998), are hereby incorporated by reference and made part of this title.

[Pa.B. Doc. No. 98-333. Filed for public inspection February 27, 1998, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 3800]

[Correction]

### Child Residential and Day Treatment Facilities

An error occurred in the Department's proposed rule-making which appears at 28 Pa.B. 953, 969 (February 14, 1998).

Section 3800.202(b) (relating to appropriate use of behavior intervention procedures) contained a typographical error which eliminated two important words. Subsection (b) should read as set forth in Annex A with ellipses referring to the proposal at 28 Pa.B. 953, 969.

#### Annex A

#### TITLE 55. PUBLIC WELFARE

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

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

#### ARTICLE I. LICENSING/APPROVAL

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

#### BEHAVIOR INTERVENTION PROCEDURES

#### § 3800.202. Appropriate use of behavior interven- tion procedures.

\* \* \* \* \*

(b) A behavior intervention procedure, with the exception of exclusion as specified in § 3800.212 (relating to exclusion), may be used only to prevent a child from injuring himself or others.

\* \* \* \* \*

[Pa.B. Doc. No. 98-290. Filed for public inspection February 13, 1998, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 61]

#### Private Activity Bonds

The Department of Community and Economic Development (Department) amends Chapter 61 (relating to private activity bonds—statement of policy) to read as set forth in Annex A. The statement of policy is amended under authority of section 7(4) of the Tax-Exempt Bond Allocation Act (act) (73 P. S. § 397.7(4)).

#### Background

The Federal Internal Revenue Code of 1986 (IRC) imposes a State ceiling on the aggregate amount of private activity bonds that may be issued in each calendar year by or on behalf of the Commonwealth and its political subdivisions.

The General Assembly adopted the Tax-Exempt Bond Allocation Act in 1985 to provide for the allocation of the State ceiling. The act authorizes the Secretary of Community and Economic Development to publish as statements of policy the county-by-county allocations. The amended statement of policy provides for the 1998 allocation of the State ceiling. The amendments are needed because the current statement of policy provides allocations only for calendar year 1997.

#### Amendments

Section 61.5 (relating to allocations of tax-exempt bond authority) is amended to establish the private activity bond allocations for calendar year 1998.

#### Fiscal Impact

The amended statement of policy has no fiscal impact on the Commonwealth, political subdivisions or the public. The amended statement of policy does not affect the total dollar amount of private activity bonds, as these ceilings are determined by Federal law. No Commonwealth funds are involved in the issuance of private activity bonds. All costs of bond issuance are paid for by bond proceeds or through funds of the issuer or borrower. The amended statement of policy will result in the use of private activity bonds to their maximum benefit, thereby increasing available resources.

#### Paperwork Requirements

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

#### Contact Person

For further information regarding the amended statement of policy, contact Jill B. Busch, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Room 530 Forum Building, Harrisburg, PA 17120, (717) 783-8452.

#### Findings

The Department finds that:

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

#### Order

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

(a) The statement of policy of the Department, 12 Pa. Code Chapter 61, is amended by amending § 61.5 to read as set forth in Annex A, with ellipses referring to the existing text of the statement of policy.

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

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

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

SAMUEL MCCULLOUGH,  
*Secretary*

**Fiscal Note:** 4-66. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

#### PART III. BUSINESS FINANCING

#### Subpart B. BONDS

#### CHAPTER 61. PRIVATE ACTIVITY BONDS—STATEMENT OF POLICY

#### § 61.5. Allocations of tax-exempt bond authority.

The act allocates the Commonwealth's tax-exempt bond authority to five categories as follows:

(1) *Housing related bonds.* An amount equal to \$160 million will be allocated for housing related bonds, including qualified residential rental projects and qualified mortgage bonds as defined by sections 142(d) and 143(a) of the Internal Revenue Code (26 U.S.C.A. §§ 142(d) and 143(a)). Requests to apply the housing related bond allocation to specific projects or uses, including mortgage credit certificate programs, will be reviewed and may be approved or disapproved by the Board of the Housing Finance Agency. Application for housing related bond allocations shall be made to the Executive Director of the Housing Finance Agency.

(2) *Qualified student loan bonds.* An amount equal to \$50 million will be allocated to the Pennsylvania Higher Education Assistance Agency for qualified student loan bonds provided by section 144(b) of the Internal Revenue Code (26 U.S.C.A. § 144(b)).

(3) *Qualified small issue bonds.* An amount equal to \$175 million will be allocated for qualified small issue bonds under section 144(a) of the Internal Revenue Code. This amount will be allocated in accordance with the formula in § 63.1(d) (relating to allocations). Requests to apply this allocation to specific projects or uses will be reviewed and may be approved or disapproved by the Secretary. Application for allocations shall be made to the Private Capital Financing Office in the Department. The Secretary will provide allocations for qualified small issue

STATEMENTS OF POLICY

bonds utilizing the procedure and subject to the requirements in § 63.3 (relating to procedures).

<i>County</i>	<i>Allocation</i>
Adams	\$400,000
Allegheny	\$14,785,000
Armstrong	\$400,000
Beaver	\$400,000
Bedford	\$400,000
Berks	\$6,457,000
Blair	\$4,188,000
Bradford	\$400,000
Bucks	\$9,445,000
Butler	\$5,471,000
Cambria	\$1,505,000
Cameron	\$400,000
Carbon	\$400,000
Centre	\$400,000
Chester	\$6,860,000
Clarion	\$400,000
Clearfield	\$1,259,000
Clinton	\$400,000
Columbia	\$400,000
Crawford	\$3,981,000
Cumberland	\$400,000
Dauphin	\$400,000
Delaware	\$1,659,000
Elk	\$400,000
Erie	\$8,514,000
Fayette	\$400,000
Forest	\$400,000
Franklin	\$4,605,000
Fulton	\$400,000
Greene	\$400,000
Huntingdon	\$400,000
Indiana	\$400,000
Jefferson	\$2,242,000
Juniata	\$400,000
Lackawanna	\$574,000
Lancaster	\$4,327,000
Lawrence	\$3,439,000
Lebanon	\$2,530,000
Lehigh	\$2,508,000
Luzerne	\$5,681,000
Lycoming	\$400,000
McKean	\$3,609,000
Mercer	\$5,106,000
Mifflin	\$400,000
Monroe	\$1,214,000

<i>County</i>	<i>Allocation</i>
Montgomery	\$17,270,000
Montour	\$2,175,000
Northampton	\$12,416,000
Northumberland	\$400,000
Perry	\$400,000
Philadelphia	\$6,240,000
Pike	\$400,000
Potter	\$400,000
Schuylkill	\$3,777,000
Snyder	\$400,000
Somerset	\$400,000
Sullivan	\$400,000
Susquehanna	\$400,000
Tioga	\$400,000
Union	\$400,000
Venango	\$400,000
Warren	\$400,000
Washington	\$6,628,000
Wayne	\$400,000
Westmoreland	\$5,160,000
Wyoming	\$400,000
York	\$6,575,000
Totals	\$175,000,000

(4) *Other qualified private activity bonds.* An amount equal to \$166 million will be allocated to other qualified private activity bonds, including qualified redevelopment bonds as defined by section 144(c) of the Internal Revenue Code, exempt facility bonds as defined by section 142 (excluding section 142(d)) of the Internal Revenue Code, and enterprise zone bonds as defined by section 1394 of the Internal Revenue Code (26 U.S.C.A. § 1394), all of which are subject to the volume cap provided by section 146 of the Internal Revenue Code (26 U.S.C.A. § 146). Requests to apply this allocation to specific projects or uses will be reviewed and may be approved or disapproved by the Secretary. Applications for allocations shall be made to the Private Capitol Financing Office in the Department. An allotment of at least 25% of the allocation provided in this paragraph is reserved for solid waste disposal projects.

\* \* \* \* \*

[Pa.B. Doc. No. 98-334. Filed for public inspection February 27, 1998, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 17, 1998.

#### BANKING INSTITUTIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-17-98	Northwest Savings Bank, Warren, and Northwest Interim Savings Bank I, Warren Surviving Institution— Northwest Savings Bank, Warren	Warren	Effective
Subject merger is being effected solely in connection with the two-tier reorganization of Northwest Bancorp, M.H.C., Warren.			

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-7-98	Fulton Bank Lancaster Lancaster County	1700 Roosevelt Ave. York West Manchester Twp. York County	Opened

#### SAVINGS ASSOCIATIONS

No activity.

#### CREDIT UNIONS

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-335. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council; Meeting Notice

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will meet on Monday, March 9, 1998. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800)

654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,  
*Chairperson*

[Pa.B. Doc. No. 98-336. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Act 101 Program Eligibility

In accordance with 22 Pa. Code § 44.4 (relating to eligible students), notice is hereby given that for the 1998-99 academic year the maximum adjusted annual family income to be used for including students in an Act 101 program is \$18,900. This figure was determined by increasing the maximum adjusted annual family income of \$18,750 for the 1997-98 academic year by 25% of the

increase in the consumer price index between July 1996 and July 1997 (3.6%), rounded to the nearest \$50.

Questions can be directed to Kathleen R. Kennedy, Act 101 State Coordinator, at (717) 783-4393.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 98-337. Filed for public inspection February 27, 1998, 9:00 a.m.]

### **Application of Oklahoma Baptist University, Shawnee, Oklahoma for Approval of its Request to Offer Credit Courses in Erie, PA**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Oklahoma Baptist University located in Shawnee, Oklahoma for a Certificate of Authority approving the institution's offering of credit courses in Erie, PA.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code § 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

All petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-6576 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

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

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 98-338. Filed for public inspection February 27, 1998, 9:00 a.m.]

### **Availability of Funds Under the Adult Education Act, Section 353 Funds for Special Experimental Demonstration and Staff Development Projects for Adult Basic Education for Program Year 1998-99**

#### *I. Authorization*

A. Section 353 of the Adult Education Act, P.L. 91-230, as amended by the National Literacy Act of 1991 (act), requires the Department of Education (Department),

through its State Plan for Adult Education, to use not less than 15% of its annual Federal allotment of adult education funds from the United States Department of Education for special experimental demonstration and teacher training (staff development) adult education projects, as defined in the act.

B. The Federal objectives for these grants are to:

"1. Promote special projects which will be carried out in furtherance of the purposes of the Act and which—

a. involve the use of innovative methods (including methods for educating persons with handicaps, the homeless, and persons of limited English proficiency), systems, materials, or programs which may have national significance or will be of special value in promoting effective programs under this title, or

b. involve programs of adult education, including education for persons with handicaps, the homeless, and persons of limited English proficiency, which are part of community school programs, carried out in cooperation with other Federal, State, or local programs which show unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies; and

2. Train persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title."

C. The State objectives for these grants are to strengthen the Commonwealth's adult basic education programs through research, evaluation and demonstration of methods, programs, techniques or operational/administrative systems to improve adult education services (special experimental demonstration projects) and to provide training for personnel working in or preparing to work in adult basic education programs (staff development). Emphasis on staff development will be on the following:

1. Training for full-time professional adult educators;
2. Training for minority educators;
3. Training for educators of adults with limited English proficiency; and
4. Training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the 5th grade level.

#### *II. Special 353 Priorities for 1998-99*

The following Section 353 priorities for 1998-99 have been developed as a result of suggestions/recommendations by adult education providers throughout the State, by Section 353 Task Force members, and by the Department's Bureau of Adult Basic and Literacy Education staff. Priorities fall in three general categories as follows:

A. Special experimental/demonstration projects for Statewide or regional impact;

B. Staff development projects designed for Statewide or regional impact;

C. Mini-grant projects of up to \$5,000 designed to assist programs with the adoption or adaptation of exemplary projects; with the development of an experimental demonstration project designed for local impact; or to address individual program needs in staff development.

**Fiscal Year 1998-99 Priorities 353***Priorities—1998-1999**Section A: Special Demonstration/Experimental*

1. *Crossroads Cafe Curriculum*: Fiscal administration, management and coordination of *Crossroads Cafe* materials to selected agencies for ESL instruction. Applicant will arrange for purchase and distribution of materials, for training of staff from selected agencies to pilot delivery of the curriculum with an emphasis on distance learning systems and an evaluation and assessment of the use of the program. Applicant must have an ESL program component and knowledge of distance learning technologies. Preference will be given to applicants with connections to existing distance learning initiatives.

2. *Program Performance Funding*: Define the factors that constitute "performance" for ABLÉ funded programs and develop a recommended funding structure adding the performance factors to historical funding methods. The project will include case studies that apply the theoretical performance factors to actual agencies and analyze the impact of programmatic and administrative levels. Preference will be given for nonABLE funded agencies, particularly institutions of higher education, educational administration field of study, or other institutions with an emphasis on educational funding.

3. *Special Populations*: Define and validate special population categories and determine performance accommodation needs. Using the data collected in FY 1997-98 on special populations in Pennsylvania adult basic and literacy education programs, applicant will provide recommendations to the Bureau for performance standards accommodation in agencies serving the defined special populations.

4. *Performance Standards in Volunteer Programs*: Expand the Oregon Project performance standards in volunteer programs to additional literacy councils in this Commonwealth. A 1997-1998 special demonstration project piloted the Oregon Project, a volunteer-based competency checklist and assessment system, in a limited number of literacy councils in the Commonwealth. The project will use recommendations for continuation made to the Bureau developed from an assessment of the use of these adult learning competencies during the 1997-1998 pilot project.

5. *Learner Impact*: Research existing practices and then develop procedures for ABLÉ funded programs use in documenting the impact of adult education services on enrolled students. Federal reporting requirements for impact in economic, societal and family areas must be included. Applicant must work with a set of ABLÉ agencies to collect and document practices and develop a set of recommendations for improving impact data beyond learning gains with enrolled students. Recommendations must include ways by which programs can collect and use impact data for program improvement.

6. *Adult Learner Recognition*: Manage an event that includes the technical editing of field submitted student success stories that focus on the role of adult basic education in the lives of the nominated students; facilitation of a review process to select outstanding adult learners; interview and photograph ten finalists; and prepare, publish and disseminate a Success Stories booklet that includes suggestions for adapting the process for local use. Applicant will coordinate with an identified

ABLE Bureau staff person in the development of the project. Applicant must plan for a circulation of approximately 2,000 copies of the booklet across this Commonwealth with distribution as requested by the Department.

7. *Recognition of Excellent Educators and Instructors*: Manage an activity to recognize outstanding adult education practitioners in this Commonwealth including a means to honor them Statewide and to publicize their services through an ABLÉ practitioners' handbook describing the criteria used for selection. Establish a panel to develop the criteria for selection and review the nominations. Applicant should develop a guide for honoring excellent practitioners to assist local programs in sponsoring practitioners and honoring their nominees. The applicant will coordinate with an identified staff person in the Bureau of ABLÉ in the development of the project.

8. *Adult Education Teacher Competencies*: Develop teacher competencies in this Commonwealth. Review recent 353 projects that researched and listed adult basic education teacher competencies. Recommend competencies based upon exemplary practices and field-based research that includes competencies developed through other states' field-based research.

9. *ABLE Workplace Manual*: Review existing workplace development documents such as commercially developed products and previous workplace-related Section 353 projects to produce a Pennsylvania specific workplace manual. The manual should be viewed as a marketing tool for use by adult education providers and the workplace and describe successful adult basic education workplace programs. Project should include information on adult education providers forming partnerships with businesses and businesses with education, developing community awareness and coordination of needs and services, assessment of workplace needs and worker needs, and development of instructional programs relevant to the worker and the workplace.

10. *Revise Indicators*: Review, revise and update existing ABLÉ Indicators of Program Quality to reflect indicators associated with innovation, continuous improvement, integration of technology and other areas denoting quality practices. Project must describe how it will initiate field involvement in the revision process, as well as the consideration of exemplary practice and proven research.

11. *Community Planning*: Increase the number of Building Communities for Learning (BCL) community-based planning sites through expansion of field-driven mentoring outreach, training and technical assistance. Applicants must be a Statewide organization with broad-based membership and collaborate with the Professional Development Centers to encourage and support the growth and development of existing community-based planning sites.

12. *ABLE Assessment Practices*: Research the standardized assessment tools being used in ABLÉ programs as pre- and post-tests to document adult learners learning gains. Project should list the tests, their publishers and the number and type, that is volunteer, school district, CBO, of education service provider using a particular standardized test.

13. *Short Term Learner Goals*: In order to explore the concept of project learners, the applicant will research and define "project learning" as related to the adult learner who enrolls in an adult education program to

accomplish an objective or set of objectives related to the completion of a task or goal. The project the learner seeks to complete is short term in nature and is related to basic skill enhancement. The applicant should define "project learning," provide a project IEP format and the procedures for documenting successful completion of the project prior to the learner's separation from the program. The final product will be used by the Bureau in considering program performance standards for those short term learners engaged in "project learning" where standardized pre- and post-testing may not be indicated.

14. *Workplace Education Standards*: Convene a workgroup of ABLE funded programs that deliver workplace education programs as defined in ABLE Guidelines. The project will explore accountability measures appropriate for workplace education, including documentation of learner progress in customized workplace programs. Provide recommendations to the Bureau of ABLE for use in establishing program performance standards.

15. *Alternative High School Diploma Program*: Provide direction for the establishment of high school diploma programs for adults in this Commonwealth. Applicant will provide leadership and technical assistance to school districts, IUs and other approved agencies that wish to institute an adult high school degree program. Continue technical assistance to existing adult high school degree programs.

16. *Marketing Campaign*: Develop and implement a marketing campaign to promote adult education services throughout this Commonwealth with the goal of increasing enrollment and retention of adult learners in adult education programs. Develop promotional materials using or incorporating existing materials (such as the NIFL national campaign) that can be used by existing adult education agencies. Contact potential corporate sponsors to develop funding sources to enhance the campaign. The materials and campaign must address the various targeted populations within adult education. The successful applicant will work closely with a Bureau point of contact throughout the contract period.

#### *Section B: Professional Development*

1. *Training Development and Implementation in Core Content Areas*: Coordinate the review and select training materials for professional development in designated content areas. Identify and train trainers to implement the designated content areas. Continue implementation of existing training development and implementation initiatives with emphasis on quality control. Applicant will work closely with the Bureau and regional professional development centers.

2. *Learning Differences*: Deliver Statewide training and technical assistance on learning differences through the Professional Development Centers. The applicant should address how the training and technical assistance being done nationally through the National Adult Literacy and Learning Disabilities Center and the University of Kansas Center for Research on Learning will be incorporated into this grant. The applicant must also address the means by which ABLE's Guiding Principles for Professional Development will be reflected in the project. The application should provide for the development of a cadre of trainers to assist in the provision of technical assistance and training to providers of adult education services in this Commonwealth.

3. *Learning From Practice*: Continue to develop and implement learning from practice activities into estab-

lished adult basic and literacy education agencies. Support a variety of inquiry groups such as program-based, cross-program within a region, institutes or online; develop and strengthen the capacity of local leadership (PDC staff, practitioners) throughout the State in order to integrate learning from practice approaches into a variety of professional development activities at the program, region and State levels. Build upon models currently operating in the State and nationally. Include components addressing networking for participants and leadership development.

4. *Revision, Support and Dissemination of Learning from Practice Projects*: Develop and maintain a Statewide database of Learning from Practice abstracts. Applicant will facilitate an editorial board which will be responsible for selecting articles, assisting authors in revision and disseminating the journal with distribution as requested by the Department. Applicant submitting a Letter of Intent for this priority will receive guidance developed by the Learning from Practice Guidelines/Steering Committee.

5. *Review and Dissemination of Special Demonstration Projects*: Review current/past Section 353 special demonstration/experimental and staff development projects from this Commonwealth and other states in designated topic areas and determine their significance and appropriateness through identification of exemplary and innovative approaches/practices. Disseminate recommended projects through a Statewide publication to be published a minimum of six times a year. Applicant must plan for a circulation of approximately 3,000 copies across this Commonwealth with distribution as requested by the Department.

6. *Professional Development Institutes*—Physical accommodations, administrative, fiscal management and support for Statewide adult basic education professional development institutes for administrators, teachers, counselors and volunteers in adult basic education programs. Applicants should provide follow-up training through the Professional Development Centers and/or other activities as applicant designs and an evaluation of the effectiveness of the training. Applicants should state for which institute the application is made in the Letter of Intent. Interested applicants will be provided separate guidelines to be used in developing the application.

Institute Topic Areas: Corrections Education; New Teacher—ABE, GED, ESL strands; Instruction—Teaching/Learning Intensive; Workforce Education; Administrator; Family Literacy

6. *Penn-Ohio Conference*: Physical accommodations, administrative and fiscal management and support for an interstate adult basic education workshop for administrators, teachers, counselors and volunteers to be held in western Pennsylvania, in coordination with adult basic education personnel from Ohio at a cost not to exceed \$10,000.

7. *Adult Education Newsletter*: A general adult basic education newsletter to be published a minimum of five times a year at a length of eight pages or longer to disseminate areas of interest to adult basic education practitioners and program supporters in this Commonwealth. The areas may include but are not limited to professional development, special demonstration projects, best practices and adult basic education awareness information. Applicants must plan for a circulation of approxi-

mately 4,000 copies across this Commonwealth with distribution as requested by the Department.

8. *Communications for Professional Development:* Provide for the design and/or publication of newsletters, handbooks, and brochures as needed by adult education providers in this Commonwealth. The project will direct and provide systematic communication and coordination between the Bureau and professional development service providers and adult basic and literacy education practitioners. The activities will include support for online and World Wide Web communications.

9. *Administration, Fiscal Management and Support:* Provide Statewide adult basic education professional development activities and other Department activities that include: 1) provision for a series of meetings for the State Plan Task Force; 2) provision for a series of hearings on a revised State Plan; 3) provision for support of special demonstration and professional development presentations and/or activities that include honoraria for presenters at State-sponsored activities; and 4) provision for support of activities of Act 42 Council.

*Section C. Mini-Grants (Grants of \$5,000 or less)*

1. Implement the Pennsylvania adult learner competencies developed in 353 Special Demonstration project No. 98-7008. The project must specifically relate the use of the competencies in the instructional programs delivered to adult learners as part of the agency's program improvement planning. Funds may not be used for actual instructional time but for time to determine the application of the competencies to learner selected activities, curricula, assessment and documentation of learner gains, and participation in training.

2. Develop a model that integrates basic skills instruction with the requirements of welfare reform as a preemployment strategy and/or as a postemployment strategy that enables the learner to keep or advance in employment.

3. Address either a special demonstration/experimental or staff development project of local impact.

*Section D. Project Equal Training Seed Grants*

1. Application for funds to support program improvement planning in agencies which did not receive expansion grant funds in FY '97-'98 and desire to participate in EQUAL training and program improvement activities. Funds may be used to support participation in external training activities and in support of internal program improvement meetings and activities. Upon receipt of a Letter of Intent for this priority, the Bureau will provide interested agencies an eligibility description and guidelines for completing a short narrative and a budget form.

*III. General Instructions*

A. This is a competitive grant process. Eligible applicants include State educational agencies, local educational agencies and public and private nonprofit agencies, organizations and institutions. Funding will be for programs accomplished during the period July 1, 1998, through June 30, 1999.

B. A minimum of 25% nonFederal/nonState funds is required as a local match for the grant. This local match may be cash or in-kind.

C. Applications within the Commonwealth of Pennsylvania for grants under Section 353 of the Adult Education Act are screened and evaluated at the Department by a Section 353 Task Force made up of experts in the adult education field. Proposals with merit which have the most potential of achieving high priority objectives of the Adult Education Act and the Pennsylvania Adult Education Plan at the most reasonable cost will be funded, subject to the availability of funds.

D. Applications must address only one of the priorities listed in the priorities in Section II. Any application which addresses more than one priority will not be considered for funding.

E. Prior to submitting an application for a Special Demonstration Project, applicants should review the literature that relates to a potential project using the appropriate State Literacy Resource Center (AdvancE or Western Pennsylvania State Literacy Resource Center) to ensure the uniqueness or applicability of the proposed project. The results of this review must be addressed in the application.

F. Section 353 proposals also should be reflective, as much as possible, of the goals, objectives and activities of the Pennsylvania—Adult Education State Plan: Fiscal Years 1990-94. Applicants should consult this plan as they prepare proposals. Copies of the plan are available at the State Literacy Resource Centers.

G. For the purposes of these Section 353 Funds, an adult is defined as an out-of-school youth who is 16 years of age or older. Adult Basic Education (ABE) encompasses instruction at the 0-8 grade level; General Educational Development (GED) encompasses instruction to enable undereducated adults to successfully pass the GED test; (9-12 grade level) and English As a Second Language (ESL) encompasses instruction of English to adults whose primary language is not English.

H. Prospective applicants who desire application forms, and application guidelines, should request those materials by submitting a letter of intent to apply for a grant to the following address by March 27, 1998 (proposal will be due May 8, 1998). The letter of intent should state which priority in Section II and the particular topic the applicant intends to address in the proposal and include a one sentence description of the purposes of the project. A letter of intent must be submitted for each separately proposed project application. These letters of intent may not be faxed to the Bureau. Upon receipt of the letter of intent at the Bureau, the applicant will be provided a copy of the guidelines to use in the preparation of the application.

Chief, Special Programs and Projects Division, Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126- 0333.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 98-339. Filed for public inspection February 27, 1998, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Community Relations Coordinator at (717) 657-4585. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**PA 0057339.** Sewage, **Brian and Cheryl Davidson**, 209 Poplar Road, Honey Brook, PA 17555.

This application is for issuance of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in Honey Brook Township, **Chester County**. This is a new discharge to West Branch of Brandywine Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
(7-1 to 10-31)		
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

**PA 0051896.** Industrial waste, SIC: 3079, 2656, **Fort James Operating Company**, 605 Kuebler Road, Easton, PA 18042.

This proposed action is for renewal of an NPDES permit to discharge noncontact cooling water and stormwater into an unnamed tributary to Bushkill Creek in Forks Township, **Northampton County**.

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

The proposed effluent limits for Outfall 001, based on a design flow of .0035 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15	30
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

*Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

**PA 0086428.** Sewage, SIC: 4952, **Mazza Vineyards, Inc.**, P. O. Box 685, Cornwall, PA 17016.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Chickies Creek, in Rapho Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from .0—9.0 inclusive	
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	2,700/100 ml as a geometric average	
(10-1 to 4-30)		

The EPA waiver is in effect.

**PA 0087734.** Industrial waste, SIC: 4941, **The Marietta Gravity Water Company**, Route 441, Box 302, Marietta, PA 17547.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Dugan Run, in Hellam Township, **York County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30		60
Total Iron	2		4
Aluminum	4		8
Manganese	1		2
TRC	0.5		1.6
pH	6.0—9.0		

The EPA waiver is in effect.

**PA 0083305.** Industrial waste, SIC: 30, **Amp, Incorporated**, P. O. Box 3608, Harrisburg, PA 17105-3608.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Krebs Valley Run, in Codorus Township, **York County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.058 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
Tetrachloroethylene	0.002	0.004	0.005
1,1,2-Trichlorethane	0.002	0.004	0.005
Trichloroethylene	0.005	0.010	0.013
pH	within limits of 6—9 (s.u.) at all times		

The EPA waiver is in effect.

**PA 0083089.** Industrial waste, SIC: 30, **Amp, Incorporated**, P. O. Box 3608, Harrisburg, PA 17105-3608.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Larkin Pond/Seaks Run, in Springfield Township, **York County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.086 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
1,1-Dichloroethane	0.001	0.002	0.003
1,1,2-Trichlorethane	0.002	0.004	0.005
pH	within limits of 6—9 (s.u.) at all times		

The EPA waiver is in effect.

**PA 007862.** Industrial waste, SIC: 4941, **Pennsylvania-American Water Co.**, Yellow Breeches Filter Plant, 107 Meadowbrook, New Cumberland, PA 17070.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Yellow Breeches Creek, in Fairview Township, **York County**.

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

The proposed effluent limits for Outfalls 001 and 002 for a design flow of 0.2 and 0.034 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	60	75
pH		6—9 s.u. at all times	
TRC	1.5	XXX	2.5
Total Aluminum	4.0	8.0	10.0
Total Manganese	1.0	2.0	2.5
Total Iron	2.0	4.0	5.0

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.*

**PA 011538.** SIC: 4952, **Rodger Yordy (Pine Valley Park)**, P. O. Box 72, Vicksburg, PA 17883.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to North Branch Buffalo Creek in West Buffalo Township, **Union County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is City of Sunbury Municipal Authority located on the Susquehanna River 30 miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.03 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia Nitrogen (5-1 to 10-31)	5	10
(11-1 to 4-30)	15	30
Total Residual Chlorine*	monitor and report*	monitor and report*
Fecal Coliforms	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	

\*provide effective dechlorination within 3 years of permit issuance date

*Other Conditions:* none

The EPA waiver is in effect.

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

**PA 0091391.** Industrial waste, SIC: 3087, **Polycom Huntsman, Inc.**, 90 West Chestnut Street, Washington, PA 15301.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from Plant No. 1 in Donora Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is PA-American Water Company-Aldrich Station, located at 410 Cooke Lane, Pittsburgh, PA 15234, 12.6 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.41 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				
Temperature (°F)					
pH	not less than 6.0 nor greater than 9.0				110

*Outfall 101:* existing discharge, average flow of 0.061 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				
BOD <sub>5</sub>		13	report	26	
Oil and Grease		15	report	29	
Suspended Solids		10	report	19	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 201:* existing discharge, average flow of 0.051 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				
BOD <sub>5</sub>		11	report	26	
Oil and Grease		12	report	29	
Suspended Solids		8	report	19	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 301:* existing discharge, average flow of 0.013 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				
BOD <sub>5</sub>		3	report	26	
Oil and Grease		3	report	29	
Suspended Solids		2	report	19	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* new discharge.

<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>

This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility. There are at this time no specific effluent limitations on this outfall.

The EPA waiver is in effect.

**PA 0021822.** Sewage, **Borough of Berlin**, 700 North Street, P. O. Box 115, Berlin, PA 15530-0115.

This application is for renewal of an NPDES permit to discharge to the receiving waters, known as Buffalo Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Water Works.

*Outfall 001:* existing discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	25	37.5		60
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	7.5	11.3		15.0
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			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)			0.1	0.3
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0217808.** Sewage, **David A. Harchuck**, 122 Kerr Road, New Kensington, PA 15068.

This application is for issuance of an NPDES permit to discharge treated sewage from the Harchuck Office Building in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Beaver Run, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority—Freeport.

*Outfall 001:* new discharge, design flow of .00196 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	45			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	10.5			21
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0105279.** Industrial waste, SIC: 1389, 4953. **Danco Industries, Inc.**, P. O. Box 941, Oil City, PA 16301.

This application is for renewal/modification of an NPDES permit to discharge treated industrial waste to the Allegheny River in Sugarcreek Borough, **Venango County**. This is a modification of an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Authority intake on the Allegheny River located at Emlenton, approximately 35 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.060 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow			monitor and report		
Cadmium	0.19	0.38	0.38	0.76	0.95
Lead	1.55	3.11	3.1	6.2	7.75
Silver			monitor and report		
Chloride			monitor and report		
Zinc			monitor and report		

The proposed effluent limits for Outfall 101 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				0.040	
Total Suspended Solids			30		60
Oil and Grease			15		30
Total Iron			3.5		7.0
Acidity			less than alkalinity		
Alkalinity			monitor and report		
pH			6.0—9.0 at all times		

The proposed effluent limits for Outfall 201 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				0.020	
Total Suspended Solids			30	60	75
Oil and Grease			15		30
Dissolved Iron					7.0
Benzene			0.001		0.0025
Total BETX			0.1		0.25
MBTE			monitor and report		
Napthalene			monitor and report		
pH			6.0—9.0 at all times		

The proposed effluent limits for Outfall 002 are: This discharge shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

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

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0040487	Dr. P. C. Chadaga d/b/a Maple Lane Estates c/o Property Management, Inc. P. O. Box 622 Lemoyne, PA 17043-0622	Luzerne Foster Township	Pond Creek	Total Residual Chlorine

*Southcentral Regional Office: Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110, (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 Requirements</i>
PA 0084123	Penn Twp. Mun. Authority Kinkora Nursing Home 100 Munic. Bldg. Rd. Duncannon, PA 17020	Perry Penn Township	Cove Creek	TRC

### **DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

#### **Applications under the Pennsylvania Clean Streams Law**

#### **(Part II Permits)**

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

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

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

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

*Southcentral Regional Office: Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

**A. 2298401.** Sewage, submitted by **Marlin and Kathy Martz, Jr.**, 1127 Manada Bottom Road, Harrisburg, PA 17112-8825 in East Hanover Township, **Dauphin County** to construct a small flow sewage treatment system to serve their residence was received in the Southcentral Region on January 29, 1997.

**A. 6798402.** Sewage, submitted by **Conewago Township Sewer Authority**, 490 Coppenhaffer Road, York, PA 17404 in Conewago Township, **York County** to construct the Susquehanna Business Park pump station and sewer extension was received in the Southcentral Region on January 30, 1998.

**A. 6798403.** Sewage, submitted by **Springettsbury Township Board of Supervisors**, 1501 Mt. Zion Road, York, PA 17402 in Springettsbury Township, **York County** to upgrade the Erlen Drive Sewers was received in the Southcentral Region on February 2, 1998.

**A. 0198401.** Sewage, submitted by **Reading Township Municipal Authority**, 50 Church Road, East Berlin, PA 17316 in Reading Township, **Adams County** to upgrade their wastewater treatment facility was received in the Southcentral Region on February 2, 1998.

**A. 2298401.** Sewage, submitted by **Franklin R. Norris**, 252 White Birch Lane, Harrisburg, PA 17112 in West Hanover Township, **Dauphin County** to construct a small flow sewage treatment system to serve their resi-

dence was received in the Southcentral Region on February 6, 1998.

**A. 2198401.** Sewage, submitted by **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025 in East Pennsboro Township, **Cumberland County** to construct the Grandview Acres Area Sewer Extension was received in the Southcentral Region on February 9, 1998.

**A. 0697202.** Industrial, submitted by **New Morgan Landfill Company, Inc.**, Mineview Drive East Extension, P. O. Box 128, Morgantown, PA 19534 in New Morgan Borough, **Berks County** to install and operate an industrial waste treatment plant was received in the Southcentral Region on November 25, 1997.

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

**A. 0298402.** Sewerage. **West Elizabeth Sanitary Authority**, 125 Lower First Street, West Elizabeth, PA 15088-0503. Application for the construction of sanitary sewers, storm sewer outfalls with endwalls, modification to the plant outfall and sliplining of the interceptor located in the Borough of West Elizabeth, **Allegheny County**.

**0298403.** Sewerage. **Frank E. Buck**, 7520 Noblestown Rd., McDonald, PA 15057. Application for the construction and operation of a sewage treatment plant located in the Township of North Fayette, **Allegheny County** to serve the Buck residence.

**A. 3098401.** Sewerage. **Cyprus Cumberland Resources Corp.**, 145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370. Application for the construction and operation of a sewage treatment plant located in the Township of Whiteley, **Greene County** to serve the Cumberland Mine Bathhouse.

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

**WQM Permit No. 4298401.** Sewage. **Pennsylvania Department of Transportation, McKean County Maintenance Facility**, P. O. Box 124, Cyclone, PA 16726. This project is to remove the existing sewage treatment facility and to install a new small flow sewage treatment facility including a septic tank, dosing tank, subsurface sand filter and chlorine contact tank in Lafayette Township, **McKean County**.

**WQM Permit No. 4398406.** Sewage, **Seth and Evelyn Johnson**, SRSTP, 110 Tanner Rd., Greenville, PA 16125. This project is for the construction of a single residence sewage treatment plant in West Salem Township, **Mercer County**.

**WQM Permit No. 1698402.** Sewage, **John R. and Linda S. Gatesman**, SRSTP, Box 122, Sunset Dr., Lucinda, PA 16235. This project is for the construction of a single residence sewage treatment plant in Knox Township, **Clarion County**.

#### INDIVIDUAL PERMITS (PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and

regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

**NPDES Permit PAS10-G303.** Stormwater. **Belle Capital Corporation, Ltd.**, 301 Lindenwood Drive, Suite 1, Malvern, PA 19355, has applied to discharge stormwater from a construction activity located in West Bradford Township, **Chester County**, to unnamed tributary to Valley Run (north and unnamed tributary to Broad Run (south).

**NPDES Permit PAS10-G304.** Stormwater. **The Hankin Group**, 717 Constitution Drive, P. O. Box 562, Exton, PA 19341, has applied to discharge stormwater from a construction activity located in Uwchlan and Upper Uwchlan Townships, **Chester County**, to Pickering Creek.

**NPDES Permit PAS10-G305.** Stormwater. **George Strawbridge, Jr.**, 3801 Kennett Pike, Wilmington, DE 19807, has applied to discharge stormwater from a construction activity located in Franklin Township, **Chester County**, to unnamed tributary to Big Elk Creek.

**NPDES Permit PAS10-G306.** Stormwater. **TPT Partners, LP**, P. O. Box 866, Kimberton, PA 19442, has applied to discharge stormwater from a construction



activity located in North Conventry Township, **Chester County**, to unnamed tributary to Schuylkill River.

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

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

**NPDES Permit PAS10Q150.** Stormwater. **Bruce MacGregor**, 45 Schuler Lane, Easton, PA 18042 has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

**NPDES Permit No. PAS10S058.** Stormwater. **Pocono Mountains Industrial Park Authority**, 556 Main Street, Stroudsburg, PA 18360 has applied to discharge stormwater from a construction activity located in Coolbaugh Township, **Monroe County** to Red Run and Pocono Summit Lake.

**NPDES Permit No. PAS10S059.** Stormwater. **Mountain Manor Inn, Inc.**, P. O. Box 1067, Marshalls Creek, PA 18335 has applied to discharge stormwater from a construction activity located in Smithfield Township, **Monroe County** to Marshalls Creek.

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

**NPDES Permit PAS10U086.** Stormwater. **Kravco Company**, 234 Mall Boulevard, King of Prussia, PA 19406 has applied to discharge stormwater from a construction activity located in Palmer Township, **Northampton County** to Bushkill Creek.

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

**NPDES Permit PAS10A108.** Stormwater. **Fox Chapel Area School Authority**, 611 Field Club Road, Pittsburgh, PA 15238 has applied to discharge stormwater from a construction activity located in Fox Chapel Borough, **Allegheny County** to Squaw Run.

## SAFE DRINKING WATER

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

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

**5689502-A1. Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. Construction of a second 260,000 gallon water storage tank serving Ogle Township, **Somerset County**.

**6598501. Easy Living Estates of Ligonier**, R. D. 4, Box 107, Ligonier, PA 15658-8807. Addition to an existing personal care home serving Cook Township, **Westmoreland County**.

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

**A. 6198501.** Public water supply. **Rouseville Municipal Waterworks**, 8 Main Street, Rouseville, PA 16344. This proposal involves the development of a new well (known as Well #5) to supplement the existing water system in Cornplanter Township, **Venango County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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

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

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

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

*Northeast Regional Field Office, Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Pennsylvania Power & Light Company (PP&L)—Distribution pole #63603S46245**, City of Allentown, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of 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, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**James Armour Site**, City of Philadelphia, **Philadelphia County**. Jacenty Serwik, P. G., C.P.G., Urban Engineers, Inc., 530 Walnut St., 14th Floor, Philadelphia, PA 19106-3685, has submitted a Notice of Intent to Remedi-

ate site soil and groundwater contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. 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 *Philadelphia Daily News* on February 2, 1998.

## AIR POLLUTION

### OPERATING PERMITS

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

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

**21-320-010A: Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) for the operation of three heatset lithographic printing presses controlled by a catalytic oxidizer in Building No. 3 in Mechanicsburg Borough, **Cumberland County**.

**22-322-001: Dauphin Meadows, Inc.** (Route 209, Millersburg, PA 17061) for the operation of a landfill gas extraction system controlled by an enclosed ground flare located in Upper Paxton and Washington Township, **Dauphin County**. This source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

**67-320-022B: Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) for the operation of two heatset lithographic printing presses, each controlled by their own respective catalytic oxidizer and one non-heatset lithographic press in Building No. 5 in Manchester Township, **York County**.

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

**59-399-011A: Metalkraft Industries, Inc.** (P. O. Box 606, Wellsboro, PA 16901) for the operation of a powdered metal parts sintering furnace (S-6) in Charleston Township, **Tioga County**.

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

**OP-26-00371: Coolspring Stone Supply, Inc.** (P. O. Box 1328, Uniontown, PA 15401) for the operation of asphalt manufacturing at the Coolspring Plant No. 2 in North Union Township, **Fayette County**.

**OP-32-00207: Sprankle Mills Tipple** (P. O. Box 343, Punxsutawney, PA 15767) for the operation of coal processing at the Valier Coal Yard in North Mahoning Township, **Indiana County**.

**OP-04-00439: Tajon Warehousing Corp.** (2701 Midland-Beaver Road, Industry, PA 15052) for the operation ferroalloy warehouse at the Arrow Terminals in Industry Borough, **Beaver County**.

**OP-65-00888: United Parcel Service** (521 North Center Avenue, New Stanton, PA 15672) for the operation of package handling facility at the New Stanton Facility in New Stanton, **Westmoreland County**.

**OP-65-00361: R. L. Smeltz Oil Company** (P. O. Box 100, Greensburg, PA 15601) for the operation of petroleum in Greensburg, **Westmoreland County**.

**OP-26-00045: Coolspring Stone Supply, Inc.** (P. O. Box 1328, Uniontown, PA 15401) for the operation of

limestone production at Marsolino Coolspring Quarry in North Union Township, **Fayette County**.

**OP-63-00893: Master Woodcraft, Inc.** (100 Stationvue, Washington, PA 15301) for the operation of wood furniture manufacturing at the Washington Plant in Chartiers Township, **Washington County**.

**OP-65-00661: Derry Construction Co., Inc.** (R. D. 5, Box 34, Latrobe, PA 15650) for the operation of asphalt paving mixture manufacturing at the Delmont Asphalt Facility in Salem Township, **Westmoreland County**.

**OP-32-00113: North Cambria Fuel Co.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701) for the operation of coal processing at Route 22 Tipple (Blairsville), in Burrell Township, **Indiana County**.

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### Notice of Intent to Issue

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#### Operating Permit No. 22-2007A

**Harrisburg Materials, Energy, Recycling and Recovery Facility**  
**1670 South 19th Street, Harrisburg, PA 17104**

#### Dauphin County

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated emission guidelines (EG) to control emissions from existing large municipal waste combustors (MWCs). The guidelines are codified at 40 CFR Part 60, Subpart Cb and apply to existing MWCs capable of combusting more than 250 tons per day of municipal solid waste.

In accordance with the State section 111(d)/129 plan for MWCs, the Department of Environmental Protection (Department) will implement the emission guidelines by incorporating the applicable requirements of 40 CFR Part 60, Subpart Cb into Federally-enforceable State operating permit (FESOP) No. 22-2007A. The FESOP will serve as the legally enforceable mechanism for implementation of the Subpart Cb requirements.

Copies of the proposed permit and other relevant information are available for public inspection at the Southcentral Regional Office, One Ararat Boulevard, Harrisburg, PA 17110. An appointment to review the documents may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections to Kanubhai L. Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110 within 30 days of this notice. Written comments should include the name, address and telephone number of the persons submitting the comments along with a reference to the proposed permit.

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

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### Notice of Intent to Issue

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**Operating Permit No. 67-2006A**  
**York County Resource Recovery Facility**  
**2651 Blackbridge Road, York, PA 17402**

#### York County

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated emission guidelines (EG) to control emissions from existing large municipal waste combustors (MWCs). The guidelines are codified at 40 CFR Part 60, Subpart Cb and apply to existing MWCs capable of combusting more than 250 tons per day of municipal solid waste.

In accordance with the State section 111(d)/129 plan for MWCs, the Department of Environmental Protection (Department) will implement the emission guidelines by incorporating the applicable requirements of 40 CFR Part 60, Subpart Cb into Federally-enforceable State operating permit (FESOP) No. 67-2006A. The FESOP will serve as the legally enforceable mechanism for implementation of the Subpart Cb requirements.

Copies of the proposed permit and other relevant information are available for public inspection at the Southcentral Regional Office, One Ararat Boulevard, Harrisburg, PA 17110. An appointment to review the documents may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections to Kanubhai L. Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110 within 30 days of this notice. Written comments should include the name, address and telephone number of the persons submitting the comments along with a reference to the proposed permit.

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

### PLAN APPROVALS

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

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

**59-304-002J: Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912) for the installation of air cleaning devices (three fabric collectors) on various pieces of foundry castings shakeout, sand handling, and like equipment at Plant 1 in Blossburg Borough, **Tioga County**.

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

**PA-65-884A: IA Construction Corporation** (P. O. Box 290, Homer City, PA 15628) for the construction of bituminous concrete plant at their Donegal Plant in Mt. Pleasant Township, **Westmoreland County**.

**PA-65-137B: Allegheny Ludlum Corporation** (100 River Road, Brackenridge, PA 15014) for the construction

of No. 91 Anneal and Pickle Line at their Vandergrift Plant in Vandergrift Borough, **Westmoreland County**.

**PA-26-488A: Laurel Aggregates, Inc.** (P. O. Box 23, Gans, PA 15439) for the construction of Limestone Hauling and Crushing at their Wymps Gap Quarry in Springhill Township, **Fayette County**.

**PA-65-844A: Sterling Lebanon Packaging Corp.** (P. O. Box 768, Thomas Avenue and Lafferty Street, Jeannette, PA 15644) for the construction of offset printing presses in Jeannette, **Westmoreland County**.

**PA-04-059B: Koppel Plant** (P. O. Box 750, Beaver Falls, PA 15010) for construction of melt shop no. 4 at Koppel Plant in Koppel Borough, **Beaver County**.

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### Notice of Action To Be Taken

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#### Plan Approval Application No. PA-15-0002A

Under 25 Pa. Code § 127.44, the Department of Environmental Protection (Department) intends to issue a Plan Approval to Quebecor Printing Atglen, Inc. (Quebecor), P. O. Box 465, Atglen, PA, to construct a publication rotogravure at the Quebecor printing facility, located in West Sadsbury Township, Chester County. The rotogravure press with carbon adsorption system are described in the Quebecor plan approval application of March 5, 1997, and subsequent submissions.

Based on the information provided by the applicant and the Department's own analysis, this operation will emit 150 tons per year of volatile organic compounds (VOC). The VOC emissions increase will be offset at a ratio of 1:1.3 resulting in no net increase of VOC to atmosphere. Offsets are available from internal emission reduction credits generated within the printing facility.

Copies of the application, technical review by the Department, and other supporting documents used in the evaluation are available for public inspection during normal business hours at the address shown.

In order to assure compliance with the applicable standards, the Department has placed the following conditions in the Plan Approval:

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Five year net VOC emission increase, as it pertains to 25 Pa. Code § 127.203(c)

Source/Activity	Plan Approval #	Date	Net Emission Increase (tons/yr)
Presses 21 and 22 installed	PA-15-0002B	08/15/97	+ 21.0
Press 7 installed	PA-15-0002A	Upon issuance	+ 150.0
Press 6 removed		02/1998	-97.3
<b>Total Net Increase from Contemporaneous Modifications</b>			<b>73.7</b>

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In order to offset the facility net emission, QPA shall use the emission reduction credits (ERC) generated from the overcontrol of fugitive emissions in the facility press room.

C. Prior to start-up of Press 7, the company shall provide an appropriate ERC credit from the Department's ERC Registry.

#### Recordkeeping and Reporting Requirements

A. The company shall maintain a VOC emission tracking system to document compliance with the total VOC throughput and emission limitation requirements of this Plan Approval. The system shall quantify emissions from

#### Operating and Monitoring Requirements

A. Rotogravure press No. 7 shall be constructed within a permanent total enclosure. The captured emissions from the source shall be directed to the Dedert solvent recovery system SRS2 with a minimum of 98% overall control efficiency. In order to insure the 98% overall control efficiency is maintained, the company shall calculate the overall control efficiency based on Continuous Emission Monitoring (CEM) of solvent vapor concentrations on the inlet side of solvent recovery versus the solvent concentration on the outlet side of solvent recovery system.

B. The total combined airflow to SRS2 shall not exceed 225,000 SCFM at any time.

C. The press shall be equipped with a flow meter to measure and record the airflow from the source. The airflow from the source shall be recorded on a daily basis and shall be reported in SCFM to demonstrate compliance with conditions 4.A.

D. QPA shall operate rotogravure press No. 7 under the following conditions:

1. The total VOC throughput for press 7, including ink VOC, solvent VOC and cleaning solvent shall not exceed 15,000,000 pounds of VOC per year.

2. The total potential VOC emissions to be captured from the source and directed to the solvent recovery system shall not exceed 7,500 tons per year.

3. Rotogravure press No. 7 covered under this Plan Approval shall be operated and maintained in a manner consistent with good operating and maintenance (O&M) practices.

#### Emission Limitations and New Source Review Requirements

A. The total VOC emissions from the press shall not exceed:

1. Maximum Peak Hourly Rate of 43 pounds per hour.

2. Annual rate of 150 tons per year as a 12 month rolling sum calculated monthly.

B. The facility net emission increase of 73.7 tons VOC per year, calculated as follows, shall be offset at a ratio of 1:1.3.

the source by accounting for the amount, in pounds, of all VOC materials used for each job.

B. The company shall record the following information for the source to demonstrate compliance with the total VOC throughput and emission limitation requirements of the Plan Approval:

1. Daily ink usage in gallons and pounds of material as applied per job.

2. The materials composition:

- Percent solids by volume
- Percent organic solvent by volume

- Percent water by volume
  - Pounds of VOC per gallon minus water
  - Pounds of VOC per pound of material
  - Density of solvents
3. Hours of operation:
- Number of production runs per day (runs/day)
  - Duration of each run (time/run)

C. The company shall generate a summary of the actual VOC emissions. Emissions shall be calculated monthly based upon time and run averages.

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

*NSPS Requirements*

Rotogravure press No. 7 is subject to 40 CFR Part 60, Subpart QQ—Standards of Performance for the Graphic Arts Industry and shall comply with all applicable requirements of this Subpart. Under 40 CFR 60.4, the company shall submit copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department.

*Special Permit Requirements*

A. The facility's net emission increase of 73.7 tons VOC per year exceeds the emission threshold specified in § 127.203 and shall be offset at a ratio of 1:1.3, as required by 25 Pa. Code § 127.210.

B. In order to offset the 73.7 tpy increase QPA shall use the ERC generated by the overcontrol of fugitive emissions from Presses No. 1,2,3,4 and 4A.

Required VOC Emission Reduction

<i>Net VOC Emission Increase Tons/Yr</i>	<i>Offset Ratio</i>	<i>Reduction Required Tons/Yr</i>
73.7	1.3:1	95.8
ERC Available:		260.0 tpy
Reduction Required:		95.8 tpy
ERC Available after Transaction		164.2 tpy

C. In order for the 260 ton ERCs to be certified under 25 Pa. Code § 127.207, the company shall reduce the potential to emit (PTE) of presses 1-4A. The new PTE of the presses 1-4A shall be equal or less than 1410 tons VOC per year as a 12 month rolling sum.

D. In order to make the ERC permanent and Federally enforceable, the company shall comply with the following conditions:

<i>Permit</i>	<i>Source</i>	<i>Control System</i>	<i>Allowable Emissions, tpy</i>
15-320-007C	Presses 1,2,3,4, and 4A	Solvent Recovery System (SRS) 1	828
PA-15-0002B	Presses 21 and 22	Thermal Oxidizer	21.0
PA-15-0002A	Press 7	SRS2	150.0

1. The VOC emissions from presses 1-4A shall be controlled by SRS1 at a minimum of 85% of capture/control efficiency. The facility, as a whole, shall maintain an overall control efficiency of 91% or higher.

2. The company shall not operate presses 1-4A whenever the SRS2 is out of service.

3. Press 6 shall be permanently shut down prior to start-up of press 7.

*Testing Requirements*

A. The company shall perform a VOC emission stack test on the source covered by this Plan Approval in accordance with the provisions of Chapter 139 of the rules and regulations. The stack test shall be performed while the source is operating at the maximum rated capacity as stated on the application. The test shall be conducted at the inlet and outlet of the solvent recovery to demonstrate compliance with the VOC control requirement and VOC emission limitations of the Plan Approval.

B. At least 60 days prior to the test, the company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure collection of representative samples. A test protocol shall be approved by the Source Testing Section of the Department prior to testing.

C. The test shall be performed within 60 days from protocol approval. At least 30 days prior to the test, the Regional Air Pollution Control Engineer shall be informed of the date and time of the test.

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

Persons wishing to provide the Department with written comments prior to the issuance of the Plan Approval may submit the comments to the address shown within 30 days of this publication. Each written comment shall include the following:

1. Name, address and telephone number of the person submitting the comments.
2. Identification of the proposed Plan Approval, No. PA-15-0002A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Requests for a public fact finding conference or hearing may also be made by writing the Department at the address shown. Persons who have submitted comments or have requested a conference will be notified of the

decision to hold a conference by publication in this newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department determines notification by telephone is sufficient.

Written remarks should be sent to: Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

Comments from the public will be addressed by the Department during the review process before a final action is taken on the proposals. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval and permit.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Reasonably Available Control Technology and  
Emission Reduction Credits: Public Hearing**

**Allegheny Ludlum Corp., Washington Plant**

The Department reviewed the RACT plans and ERC application and made a preliminary determination to approve these plans and amendments to the State Implementation Plan (SIP) for the above listed facilities.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in the RACT approval for these facilities to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's State Implementation Plan.

Allegheny Ludlum Corporation (AL) chose a case-by-case approach to meeting the requirements of 25 Pa. Code § 129.92 for the electric arc furnaces, two annealing furnaces and the batch pickling operation. AL proposed no additional controls as they were determined to be not cost effective through a top-down analysis. AL proposes to meet the presumptive RACT requirements of 25 Pa. Code § 129.93 for all other sources at this facility.

AL has applied for ERCs for the reduction of 7.78 tons/year of NOx and 8.7 tons/year of VOC emissions

generated through the shutdown of three electric arc furnaces at the Washington Facility as provided for in 25 Pa. Code § 127.207(5)(I).

A public hearing will be held to receive comments on the RACT plan and ERC approval. The hearing date is March 18 for Allegheny Ludlum at the Department of Environmental Protection Waterfront Conference Room, 500 Waterfront Drive, Pittsburgh. Deadline to register to speak is March 11.

A 30-day comment period from the date of publication will exist for the submission of written comments.

**Public Hearing: Preliminary Determination to Approve Air Quality Applications to Modify Power Boiler No. 5 (PB #5) and Recovery Boiler No. 3 (RB #3) Permits, Approve a Revised Reasonably Available Control Technology (RACT) Plan which relies on the New Source Review (NSR) Exclusion Policy and Propose a Revision to the State Implementation Plan (SIP)**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a modification plan, no. 67-306-006B, submitted as part of the regulatory requirements for Prevention of Significant Deterioration (PSD) review, for the PSD repermitting of PB #5 at P. H. Glatfelter Company (Glatfelter) located in Spring Grove Borough, York County. The modification involves lowering SO<sub>2</sub> and PM<sub>10</sub> emission limits on PB #5, rerouting of low volume, high concentration Non-Condensable Gases (NCGs) to PB #5 for incineration and removal of PB #3 stand-by status emission credit.

The plan approval would be subjected to the following additional condition:

1. The allowable emission rate for the CFB boiler is established as follows:

- a. Particulate Matter Emissions—0.03 lb/mmBTU of heat input.
- b. Sulfur Dioxide (SO<sub>2</sub>)—0.37 lb/mmBTU of heat input (30-day running average), 0.40 lb/mmBTU of heat input (daily average not to be exceeded more than 2 days in any running 30-day period), 0.48 lb/mmBTU of heat input (daily average maximum not to be exceeded at any time) and 90% emission reduction (30-day rolling average).

Based on the information provided by the applicant and the Department's analysis of it, the following is a prediction of emissions based on a 545 mmBTU/hr maximum capacity rating for Power Boiler No. 5:

<i>Pollutant</i>	<i>Emissions in lbs.hr</i>	<i>Emissions in tpy</i>
PM <sub>10</sub>	16.4	71.6
SO <sub>2</sub>	261.6	883.2
NO <sub>x</sub>	212.6	930.97
VOC	4.4	19.4
CO	41.4	181.3
Lead	0.05017	0.21976
Beryllium	0.000032	0.03051
Fluoride	0.34	1.5

Furthermore, the boiler will consume 16.7% of the available 3-hour PSD increment, 19.2% of the available 24-hour PSD increment and 6.5% of the annual increment for SO<sub>2</sub> emissions.

The Department has made a preliminary determination to approve a modification plan, no. 67-315-008, for the repermitting of RB #3. The modification involves lowering emission limits on RB #3 and removal of PB #3 stand-by status emission credit.

The operating permit would be subjected to the following additional condition:

1. Sulfur Dioxide (SO<sub>2</sub>)—shall not exceed 145 ppmv (at 8% O<sub>2</sub>, dry basis) and 221 lbs/hr on a daily average as measured by a certified continuous emissions monitor.

The Department has made a preliminary determination to approve a revised RACT Plan no. 67-2004A and proposes to revise the SIP for the pulp and paper mill. The modification involves a revised pulp mill VOC RACT plan utilizing PB #3 as the control device for high volume, low concentration NCGs, PB #3 Low NO<sub>x</sub> burner installation and the removal of annual heat input restrictions on PB #3.

Use of PB #3 as a VOC control device will create potential annual SO<sub>2</sub> emissions above the PSD defined

significant emission rate level. In order to exclude PB #3 from NSR, the EPA's interim guidance on pollution control projects has been applied to this case. Following this guidance, the proposed project satisfies the two criteria necessary to qualify for exemption under the EPA's NSR exclusion policy. First, the project is "environmentally beneficial" as defined by the EPA's interim guidance. Second, the project does not cause or contribute to a violation of a National ambient air quality standard, PSD increment, or adversely affect visibility or other air quality related value.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Plan approval 67-2004A for the existing pulp and paper mill operations to comply with current regulations. The preliminary RACT determination, when finally approved, will be incorporated into a Plan Approval/Operating Permit for the facility and will be submitted to the EPA as a revision to Pennsylvania's SIP.

The following is a summary of the preliminary oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOC) RACT determination for this facility:

*NO<sub>x</sub> Source*

- No. 1 Power Boiler
- No. 3 Power Boiler
- No. 4 Power Boiler
- No. 5 Power Boiler
- No. 3 Recovery Boiler
- Lime Calciner

*VOC Source*

- Kamyr Blow Tank
- No. 1 and No. 2 Pine Brown Stock Washers
- No. 1 and No. 2 Pine Filtrate Tanks
- Kamyr Chip Bin Presteaming Vent
- Kamyr Low Pressure Feeder
- Oxygen Delignification Area Vent
- East and West Weak Black Liquor Tank
- Softwood Bleach Plant
- Hardwood Bleach Plant
- Hardwood Fiber Line
- Causticizing Area
- Wastewater Treatment Plant
- Kamyr Digester

*Control Method*

- Low NOx burners with Separate Overfire Air
- Low NOx burners with Separate Overfire Air
- Low NOx burners with Separate Overfire Air
- Combustion Control
- Combustion Control
- Combustion Control

*Control Method*

Incineration in Power Boiler No. 3

None

None

None

None

None

Incineration in No. 5 Power Boiler with Power Boiler No. 1 and 4 as backup

VOC RACT for the boilers and calciner is operation and maintenance in accordance with the manufacturer's specifications.

An appointment to review the PSD and RACT applications, draft plan approvals and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 540-5018 between 8

a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on April 2, 1998, at North Codorus Fire Hall, R. D. 1, Fire Hall Road, Spring Grove, PA 17362 from 7 p.m. until all scheduled comments on the proposal are received.

The public is invited to comment on the proposed plan and SIP revision. Persons interested in commenting are invited to appear at the public hearing; and they should contact Mary Ann Fischer at (717) 541-7969 at least 1 week in advance of the hearing to reserve a time to present testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Michelle Rudisill, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before April 2, 1998.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Mary Ann Fischer at (717) 541-7969 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Corrected Notice**

**Notice of Proposed Revision to the State Implementation Plan for oxides of nitrogen (NOx) and volatile organic compounds (VOC); Notice of Public Hearing**

Approval of Reasonably Available Control Technology (RACT) Plans for:

*Johnson Matthey, Inc. (Operating Permit OP-15-0027)*

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Four Coating Lines	32 VOC	3 lb of VOC per Gallon Coating	Implemented
Drying Ovens	23 NOx	Natural Gas/Electrical	Implemented
Generators	27 NOx	Presumptive	Implemented

*Centennial Printing Corporation (Operating Permit OP-46-0068)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Five Offset Presses & Cleanup Operations	55	Low VOC Ink & Solvent	Implemented

This facility is not a major NOx emitter.

*H & N Packaging, Inc. (previously Paramount Packaging, Inc.) (Operating Permit OP-09-0038)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Ink Storage & Mixing Area	2.7	Manufacturer Specifications & Good Operating Procedures	Implemented
Wash Room 1 & 2—Parts Washing Areas	5.4	Manufacturer Specifications & Good Operating Procedures	Implemented
Press Cleanup	N/A	Good Operating Procedures	Implemented

The facility is not a major NOx emitter.

Johnson Matthey, Inc. (Tredyffrin Township, Chester County)

Centennial Printing Corporation (Upper Merion Township, Montgomery County)

H&N Packaging, Inc (prev. Paramount Packaging, Inc.) (Chalfont Borough, Bucks County)

Endura Products (Quakertown Borough, Bucks County)

Rohm and Haas Company (Bristol Township, Bucks County)

Lukens Steel Company (Plymouth Township, Montgomery County)

The Department has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:



*Endura Products (Operating Permit OP-09-0028)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Cleanup, Strip-Coat, Splice Glue & Maintenance Pro- cesses	27.3	Work Practice Plan	Implemented

The facility's NOx sources will meet the presumptive requirements of Section 129.93.

*Rohm and Haas Company (Operating Permit OP-09-0015)*

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
CRU & CRU-X Processes	2.26 VOC	Scrubber	Implemented
PM-1 & PM-2 Production Lines	7.59 VOC	Packed Scrubber	Implemented
PM-1 Die Exhaust	2.22 VOC	Good Operating Procedures	Implemented
PM-2 Die Exhaust	4.01 VOC	Vortex Scrubber	Implemented
PM-1 Fugitive Emissions	4.29 VOC	Visual LDAR	Implemented
Building 39 Fugitive Emis- sions	4.27 VOC	LDAR	Implemented
No. 7 Kettle	27.29 VOC	Scrubber	Implemented
No. 10 Kettle	0.19 VOC 1.0 NOx	Incinerator	Implemented
Building 30 Fugitive Emis- sions	9.43 VOC	Visual LDAR	Implemented
Spray Dryer	34.45 VOC 4.41 NOx	Manufacturer Specifications	Implemented
Building 66 Fugitive Emis- sions	3.0 VOC	Visual LDAR	Implemented
Nine Generators	86.1 NOx	Manufacturer Specifications	Implemented
Four Boilers	634.65 NOx	Burner Revisions or Low NOx Burners	Implemented
Bristol Research Park	4.03 VOC 0.61 NOx	Good Operating Procedures	Implemented

*Lukens Steel Company (Operating Permit OP-46-0011)*

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Steel Furnaces & Boilers	176.68 NOx	Good Operating Procedures	Implemented
Drever Furnace	34.34 NOx	Good Operating Procedures	Implemented
Miscellaneous Cutting/ Heating	13.14 NOx	Good Operating Procedures	Implemented
Four Slab Preheaters	8.21 NOx	Manufacturer Specifications	Implemented
Three APB Preheaters	3.61 NOx	Manufacturer Specifications	Implemented
Four Emergency Generators	4.98 NOx	Manufacturer Specifications	Implemented
Plate Marking	3.47 VOC	Good Operating Procedures	Implemented
Stencil Paint	2.73 VOC	Good Operating Procedures	Implemented
Freeze Protection	2.98 VOC	Good Operating Procedures	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on March 26, 1998 at the Department of Environmental Protection Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert,

DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before March 26, 1998.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act should contact

Clarke Rupert at (610) 832-6020 or through the Pennsylvania At&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6003.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

Written comments or objections should contain the name, address and telephone number of persons submit-

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

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

#### *Coal Applications Received*

**32980102. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of bituminous strip-auger mine in Montgomery Township, **Indiana County**, affecting 64.6 acres, receiving stream unnamed tributaries to Cush Creek and Cush Creek to West Branch Susquehanna River; application received February 10, 1998.

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

**03910101(T). Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Application received to transfer a permit currently issued to State Industries for continued operation and reclamation of a bituminous surface mine located in Boggs Township, **Armstrong County**, affecting 208.5 acres. Receiving streams: unnamed tributaries to North Fork Pine Creek to the Allegheny River. Application received January 30, 1998.

**63910103(T). Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Application received to transfer a permit currently issued to Pangersis Coal Company for continued operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 113.5 acres. Receiving streams: unnamed tributaries to Robinson Run, to Chartiers Creek, to Ohio River; and unnamed tributaries to Little Raccoon Run, to Raccoon Run, to Ohio River. Application received December 9, 1997.

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

**10930104. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface strip operation in Center Township, **Butler County** affecting 145.0 acres. Receiving streams: one unnamed tributary to Stony Run and three unnamed tributaries to Pine Run. Application received January 23, 1998.

**33920108. R & L Coal Corporation** (P. O. Box 26, Punxsutawney, PA 15767) Renewal of an existing bituminous surface strip and auger operation in Pinecreek Township, **Jefferson County** affecting 26.0 acres. Receiving streams: two unnamed tributaries to Sandy Lick Creek. Application for reclamation only. Application received January 26, 1997.

**33930108. Warquier Coal Company** (133 W. Fifth Avenue, P. O. Box 128, Clearfield, PA 16830) Renewal of an existing bituminous surface strip and auger operation in Oliver Township, **Jefferson County** affecting 53.0 acres. Receiving streams: Lick Run and an unnamed tributary to Little Sandy Creek. Application for reclamation only. Application received February 5, 1998.

**16980102. TDK Coal Sales, Inc.** (P. O. Box 627, Clarion, PA 16214) Commencement, operation and restoration of a bituminous surface strip operation in Highland

Township, **Clarion County** affecting 38.3 acres. Receiving streams: unnamed tributaries to Cherry Run and an unnamed tributary to McGourvey Run. Application received February 5, 1998.

**16980103. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214) Commencement, operation and restoration of a bituminous surface strip operation in Ashland Township, **Clarion County** affecting 48.1 acres. Receiving streams: Little East Sandy Creek and an unnamed tributary to Little East Sandy Creek. Application received February 9, 1998.

**33980101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface strip, auger and coal preparation facility in Winslow Township, **Jefferson County** affecting 129.0 acres. Receiving streams: An unnamed tributary to Soldier Run and Soldier Run. Application to include a stream encroachment to use an existing haul road across Soldier Run and the unnamed tributary to Soldier Run into the mine site. Application received February 10, 1998.

*McMurray District Office*

**30831303. Cyprus Cumberland Resources Corp.** (145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add bleeder shaft and dewatering borehole, unnamed tributary to Whiteley Creek. Application received February 2, 1998.

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

**54920203R. B-D Mining Co.** (P. O. Box 423, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County**, affecting 77.0 acres, receiving stream none. Application received February 2, 1998.

**54950202C. Gilberton Coal Company** (Gilberton, PA 17934), correction to an existing anthracite surface mine in Mahanoy Township, **Schuylkill County**, affecting 148 acres, receiving stream North Mahanoy Creek. Application received January 28, 1998.

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

**37950303. Medusa Cement Company** (P. O. Box 5668, Cleveland, OH 44101) Transfer of an existing limestone operation in Shenango and Taylor Township, **Lawrence County** affecting 176.0 acres. Receiving streams: Unnamed tributaries to McKees Run and McKees Run. Transfer from Medusaa Aggregates Company. Application received February 6, 1998.

**37840409. Medusa Cement Company** (P. O. Box 5668, Cleveland, OH 44101) Transfer of an existing limestone operation in Taylor Township, **Lawrence County** affecting 185.9 acres. Receiving streams: An unnamed tributary to Big Run and an unnamed tributary to McKees Run. Transfer from Medusa Aggregates Company. Application received February 6, 1998.

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

**45900303T. Middle Smithfield Materials, Inc.** (P. O. Box 674, Bushkill, PA 18324), transfer of an existing quarry operation from C. H. Van Why, Inc. in Middle Smithfield Township, **Monroe County** affecting 29.0 acres, receiving stream Suise Creek. Application received January 30, 1998.

**28840302C2. Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit No. PA0614289 in Greene Township, **Franklin County** affecting 53.3 acres, receiving stream runlet to Conocheague Creek and Conocheague Creek. Application received February 4, 1998.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

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

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

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

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

**E35-292. Encroachment. LaSalle Oil Company**, 809 Third Street, Dunmore, PA 18512. To construct and maintain approximately 130 linear feet of a 50-foot by 18-foot pipe arch stream enclosure in Lackawanna Trail Tributary (CWF) for the expansion of an existing gas station and convenience market. The project is located on the south side of S. R. 0006 approximately 0.38 mile southeast of the intersection of the Pennsylvania Turnpike Northeast Extension and S. R. 0006 (Scranton, PA Quadrangle N: 19 inches; W: 8.5 inches) in South Abington Township, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

**E45-341. Encroachment. Bright Creek Park Association**, R. R. 1, Box 140, Canadensis, PA 18325. To remove the existing structure and to construct and maintain a private steel beam bridge having a single span of 30 feet and an underclearance of approximately 6 feet across Bright Creek (HQ-CWF). The project is located 1.5 miles east of T598 (Upper Seese Hill Road (Skytop, PA Quadrangle N: 17.0 inches; W: 5.0 inches) in Barrett Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E54-246.** Encroachment. **Rosalie A. Weist**, R. R. 1, Box 513, Pine Grove, PA 17963-0513. To construct and maintain a commercial building having dimensions of 21 feet by 46 feet in the floodway of Swatara and Wide Wake Creek. This project is located at 161-169 North Tulpehocken Street (SR125) (Pine Grove, PA Quadrangle N: 10.6 inches; W: 2.75 inches) in Pine Grove Borough, **Schuylkill County** (Baltimore District, Army Corps of Engineers).

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

**E46-793.** Encroachment. **Upper Merion Township**, 175 West Valley Forge Rd., King of Prussia, PA 19406-1802. To perform the following activities along an unnamed tributary of Abrams Run (WWF) associated with the Bob White Park Stream Improvement and Stormwater Management Basin Modification Project:

1. To realign and regrade approximately 540 linear feet of stream;
2. To install and maintain gabion stream bank protection along this reach of stream;
3. To construct and maintain a reinforced concrete and gabion sediment forbay structure.

The site is located within the Bob White Park situated just south of the intersection of the Schuylkill Expressway (SR 0076) and Croton Road (Valley Forge USGS Quadrangle N: 13.90 inches; W: 0.20 inch) in Upper Merion Township, **Montgomery County**.

**E15-568.** Encroachment. **LNP Engineering Plastics, Inc.**, 251 South Bailey Rd., Thorndale, PA 19335. To construct an addition to an existing warehouse facility which will impact 0.03 acre of wetland, located 1,100 feet southwest of the intersection of Lincoln Highway (SR0030) and Bailey Road (T408) (Coatesville, PA Quadrangle N: 20.9 inches; W: 2.2 inches) in Caln Township, **Chester County**.

**E23-368.** Encroachment. **Chichester School District**, P. O. Box 2100, Boothwyn, PA 19061-8100. To construct and maintain two building additions to the Chichester High School Complex which will impact 0.09 acre of wetland (PEM) and include construction within the 100-year floodplain of Marcus Hook Creek (WWF). The site is located at 3333 Chichester Avenue (Marcus Hook, PA-NJ DEL Quadrangle N: 16.0 inches; W: 8.8 inches) in Upper Chichester Township, **Delaware County**.

**E46-795.** Encroachment. **Cheltenham Township**, 8230 Old York Road, Elkins Park, PA 19027-1589. To perform the following activities along the Tacony Creek (WWF) associated with the Glenside Avenue Bridge Replacement Project:

1. To remove a concrete slab bridge with a clear span of 19.5-foot and average underclearance of 8.5-foot and associated masonry abutments and concrete piers;
2. To install and maintain 40 linear feet of 24-foot by 7-foot reinforced concrete box culvert, associated wingwalls and roadway approach fill at this location;
3. To install and maintain drainage and roadway improvements including an 18-inch and a 24-inch RCP stormwater outfall within the upstream wingwalls of the proposed culvert.

The site is located approximately 400 feet southeast of the intersection of Rices Mill Road and Glenside Avenue (Germantown USGS Quadrangle N: 17.55 inches; W: 2.80 inches) in Cheltenham Township, **Montgomery County**.

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

**E14-314.** Encroachment. **Helen Alters, Supervisor**, Benner Township Supervisors, 1224 Buffalo Run Rd., Bellefonte, PA 16823. Construct, operate and maintain a single span footbridge to carry pedestrian traffic across Buffalo Run. The footbridge shall be constructed with a span of 20 feet and width of 6 feet. The project is located along the eastern right-of-way of SR 0550 approximately 4,000 feet south of the intersection of SR 0550 and SR 3006 (State College, PA Quadrangle N: 21.9 inches; W: 15.6 inches) in Benner Township, **Centre County**. Estimated stream disturbance is 13.0 feet of waterway with no wetland impact; stream classification is High Quality-Cold Water Fishery.

**E14-319.** Encroachment. **Corl Farm Inc.**, Galen Dreibelis, 1535 N. Atherton St., State College, PA 16830. To construct, operate and maintain a stream enclosure in an unnamed tributary to Big Hollow Run to provide access for a residential development. The stream enclosure shall be constructed with a corrugated metal culvert pipe that will have a diameter of 36 inch and a length of 125 feet. The project is located along the southern right-of-way of SR 0322 (Business Route) approximately 350 feet west of the intersection of Circleville Road and Farmstead Lane (Julian, PA Quadrangle N: 5.9 inches; W: 3.4 inches) in Ferguson Township, **Centre County**. Estimated stream disturbance is 125 feet with no wetland impacts; stream classification is Cold Water Fishery.

**E49-215.** Encroachment. **F B Leopold Co., Inc.**, 227 S. Division St., Zelienople, PA 16063-1313. To repair and maintain a railroad bridge with a span of 10.6 feet and underclearance of 2.4 feet across Spring Run located just downstream of Matthews St. and 700 feet north of Eight St. (Milton, PA Quadrangle N: 16.5 inches; W: 16.0 inches) in the Borough of Watsonstown, **Northumberland County**. Estimated stream disturbance is 10 feet of stream with no wetland impacts; stream classification is WWF.

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

**E03-367.** Encroachment. **Seven Sisters Mining Company, Inc.**, 200 US Route 22, Delmont, PA 15626. To construct and maintain a stream enclosure consisting of a 483-foot long, 54-inch diameter pipe in an unnamed tributary to Crooked Creek (WWF); and to place and maintain fill in 0.27 acre of palustrine emergent/scrub-shrub wetlands for the purpose of enclosing said stream. The applicant proposes creation of 1.84 acres of palustrine emergent/scrub-shrub wetlands adjacent to the project to compensate for the wetlands loss. The project is located at a mining site at a point approximately 6,000 feet north of the intersection of SR 156 and SR 56 (Avonmore, PA Quadrangle N: 21.5 inches; W: 7.8 inches) in South Bend Township, **Armstrong County**.

**E02-1216.** Encroachment. **Foltz Development Corporation**, P. O. Box 401, Bridgeville, PA 15017. To place and maintain fill in approximately 0.08 acre of wetlands for the purpose of constructing the Ridgewood Condominiums located on the north side of Boyce Road at the intersection of Boyce Road and Hunting Ridge Trail (Bridgeville, PA Quadrangle N: 14.1 inches; W: 18.4 inches) in South Fayette Township, **Allegheny County**.

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

**E16-101.** Encroachment. **Keystone School District**, R. R. 2, Box 30, Knox, PA 16232-9390. To construct and maintain an approximately 500-foot-long by 81-inch-wide

by 59-inch-high corrugated metal pipe arch stream enclosure in a tributary to Canoe Creek adjacent to the Knox High School football field along Old State Road west of Beatty Avenue (Knox, PA Quadrangle N: 19.1 inches; W: 4.2 inches) located in Knox Borough, **Clarion County**.

**E61-212.** Encroachment. **GTE North, Inc.**, 150 West 10th Street, Erie, PA 16532. To construct and maintain an aerial fiber optic cable utility crossing of French Creek (WWF, Nominated 1-A Scenic) utilizing existing support poles. The project is located across French Creek approximately 800 feet east of the 13th Street Bridge (S. R. 0322) in the City of Franklin (Franklin, PA Quadrangle N: 4.75 inches; W: 10.9 inches) located in the City of Franklin, **Venango County**.

#### DAM SAFETY

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

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

**D36-292A.** Dam. **The Murray Companies/Sher-Wal, Inc.** (1899 Lititz Pike, Lancaster, PA 17601). To modify, operate and maintain the Woods Edge-Pond A Dam for stormwater detention for proposed commercial development. The dam is located across a tributary to the Little Conestoga Creek (WWF) along South Centerville Road in Manor Township, **Lancaster County**.

#### ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

##### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514 and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, 2nd Floor, 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 (800) 654-5984.

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

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

**Permit No. 1597415.** Sewerage. **Atglen Borough Sewer Authority** (P. O. Box 250, Atglen, PA 19310). Construction and operation of flow equalization tank at the Borough's wastewater treatment plant located in Atglen Borough, **Chester County**.

**Permit No. 0997410.** Sewerage. **Buckingham Township** (P. O. Box 413, Buckingham, PA 18912-0413). Construction and operation to upgrade pump station to meet township current standards located in Buckingham Township, **Bucks County**.

**Permit No. 2397413.** Sewerage. **Nicholas B. M. Kemp Jr.** (1971 Kimberwick Rd., Media, PA 19063). Construction and operation of a sewage treatment plant with stream discharge to serve existing single residence located in Upper Providence Township, **Delaware County**.

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

**Permit No. 5297401.** Sewerage. **Delaware Valley School District**, HC77, Box 379A, Milford, PA 18337. Permit to upgrade the existing wastewater treatment plant at the School District Complex on Route 6/209, located in Westfall Township, **Pike County**.

**NPDES Permit No. PA-0060071.** Industrial waste. **Connaught Laboratories, Inc.**, P. O. Box 187, Route 611, Swiftwater, PA 18370 is authorized to discharge from a facility located in Pocono Township, **Monroe County** to Swiftwater Creek.

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

**NPDES Permit No. PA0022241.** Sewage, **California Borough**, P. O. Box 696, 1 Green Street, California, PA 15419 is authorized to discharge from a facility located at California Borough Sewage Treatment Plant, California Borough, **Washington County**.

**NPDES Permit No. PA0217786.** Sewage, **New Eagle Borough**, 157 Main Street, New Eagle, PA 15067 is authorized to discharge from a facility located at Borough of New Eagle STP, Borough of New Eagle, **Washington County** to Monongahela River.

**Permit No. 6397403.** Sewerage, **Pechin Leasing Company, Inc.**, P. O. Box 340, Pechin Road, Dunbar, PA 15431. Construction of a sewage treatment plant located in the Borough of Centerville, **Washington County** to serve the Denbo Marina Area.

**Permit No. 6597408.** Sewerage, **New Kensington Sanitary Authority**, 120 Logans Ferry Road, New Kensington, PA 15068. Construction of pump stations and sanitary sewers located in New Kensington, **Westmoreland County** to serve the Linden Avenue and Valley Camp Pump Stations.

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

**WQM Permit No. 2097408.** Sewage. **Vernon Township**, 10929 Jackson Avenue, Meadville, PA 16335. This project is for the construction of a new sewage pump station and force main to replace the existing Kerrtown Pump Station and force main in Vernon Township, **Crawford County**.

**WQM Permit No. 2598401.** Sewage. **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA 16505-0158. This project is for the installation of the proposed Greengarden Relief Sewer to reroute all existing and projected future flows from the Manor Drive interceptor to the existing Manor Drive Extension Interceptor within Frontier Park and then conveyed for treatment to the Erie Wastewater Treatment Plant in the City of Erie, **Erie County**.

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

**INDIVIDUAL PERMITS**

(PAS)

**The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G297	William and James Freese 203 Hilltop Road Oxford, PA 19363	East Nottingham Twp. Chester County	Big Elk Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q146	Walsh, Higgins & Co. 101 E. Erie St., Ste. 800 Chicago, IL 60611	Upper Macungie Twp. Lehigh County	Iron Run
PAS10U079	Douglas H. Long 224-B Old Easton Road Stockertown, PA 18083	Borough of Stockertown Northampton Co.	Bushkill Crk.
PAS10U082	Guy Ahern 8735 N. Delaware Drive Bangor, PA 18013	Upper Nazareth Twp. Northampton Co.	Bushkill Crk.

**INDIVIDUAL PERMITS**

(PAR)

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

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

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

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

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant

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

PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Sewage Sludge By Land Application to Agricultural Land, Forest, A Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG 2*

*Facility Location  
County and  
Municipality*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Centre County College Twp.	PAR10F063	Nicholas J. Pasquerilla Crown American Properties Pasquerilla Plaza Johnstown, PA 15907	Tributary to Spring Creek	Centre CCD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Tioga County Sullivan Twp.	PAR106625	Sullivan Township P. O. Box 84 Mainesburg, PA 16932	Corey Creek	Tioga CCD 5 East Avenue Wellsboro, PA 16901 (717) 724-1801
Erie County Lake City Borough	PAR10K089	H & R Investment 2100 West 8th Street Erie, PA 16505	Elk Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Lackawanna County Blakely Borough	PAR10N057	Sunita Arora Northeast Dev., Inc. P. O. Box 128 Waverly, PA 18471	Tinklepaugh Crk.	Lackawanna CD (717) 587-2607
Lehigh County Whitehall Twp.	PAR10Q099	Whitmak Assoc. & PA Reit 234 Mall Boulevard King of Prussia, PA 19406	Jordan Creek	Lehigh CD (610) 391-9583
Schuylkill County Ryan Township	PAR105752	Smit Subdivision Ger Smit 135 Edison Furlong Rd. Doylestown, PA 18901	Hosensack Crk.	Schuylkill CD (717) 622-3742
Schuylkill County Washington Twp.	PAR105753	Hidden Valley Est. Heather Thompson/Bobbi Jean Horning R. R. 3, Box 168 Pine Grove, PA 17963	Unnamed tributary to Upper Little Swatara Crk.	Schuylkill CD (717) 622-3742

*General Permit Type—PAG 3*

*Facility Location  
County and  
Municipality*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Somerset County Somerset Twp.	PAR326111	New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	Kimberly Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
North East Borough Erie County	PAR128305	Welch Foods, Inc. A Cooperative 2 South Portage Westfield, NY 14787	Sixteen Mile Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG 4</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Dauphin Co. West Hanover Twp.	PAG043588	Franklin R. Norris 252 White Birch Lane Harrisburg, PA 17112	UNT to Beaver Crk.	Southcentral Region Water Management Rm. 126 1 Ararat Boulevard Harrisburg, PA 17110
Pymatuning Twp. Mercer Co.	PAG048473	Harry and Barbara Rizer 769 East Lake Rd. Transfer, PA 16154	Tributary Shenango Reservoir	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Penn Twp. Butler County	PAG048475	Samuel A. Baker P. O. Box 111 Renfrew, PA 16053	Connoquenessing Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG 5</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Allegheny Co. Pittsburgh	PAG056113	Robert Lloyd 5 Highland Ave. Bethlehem, PA 18017	Saw Mill Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Co. Canton Twp.	PAG056114	Chico Enterprises 331 Beechurst Ave. Morgantown, WV 26505	Chartiers Crk.	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000

### SEWAGE FACILITIES ACT PLAN APPROVAL

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

*Northcentral Regional Office, Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-0530.*

*Location:* The project is located in the Village of Mainesburg in Sullivan Township, **Tioga County**.

*Project Description:* This is an approval of an official sewage facilities plan update with dual options. One approved option is to sewer the whole Village of Mainesburg with effluent sewers and a new 25,000 gpd sewage treatment plant that will serve 85 dwellings. The second approval is for a phased sewerage of the village starting with 60 dwellings and sewerage the rest in a second phase. The new sewage treatment plant will discharge to Corey Creek.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.



*Location:* This project is located in Decatur Township, **Clearfield County**; primarily the developed areas in the eastern half of the Township.

*Project Description:* This is an approval of an official sewage facilities plan update. The two phased project involves the extension of sewers from an existing sewage treatment plant and a new proposed sewage treatment plant to serve existing development. The first phase is extending the sewers from the existing Moshannon Valley Sewage Treatment Plant with gravity sewer lines, two new pump stations and pressure lines to serve 365 existing dwellings. A second phase will be to extend sewers from the proposed Osceola Sewage Treatment Plant to serve 256 existing dwellings with gravity and pressure sewers.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

*Northeast Regional Office, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0970, (717) 826-2553.*

*Location:* **Hawk Mountain Scout Reservation**, 1.5 miles east of Route 183 on Blue Mountain Road in Wayne Township, **Schuylkill County**, PA.

*Project Description:* This proposal involves the construction of a wastewater collection and treatment system to serve the Hawk Mountain Scout Reservation. The projected sewage flow is 36,000 gallons per day. The design flow has been calculated based on total camp capacity and sewage flows for nonresidential establishments from 25 Pa. Code § 73.17. The wastewater treatment plant will be located at the northwest corner of the reservation to the west of Lake Nalaheman Dam. This area of the camp consists of approximately 25 acres of wooded land. Roughly three acres will be designated for this project. The treated effluent will be discharged to the Lower Little Swatara Creek below Lake Nalaheman. This creek is identified in 25 Pa Code Chapter 93 as being a Cold Water Fishery (CWF) in the Susquehanna River Drainage Basin. This treatment facility is being constructed to replace existing onlot disposal systems which are no longer adequate and address the long term sewage disposal needs of the Scout Reservation. Water supply will be provided by onsite wells.

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

**Permit No. 1397501. Jim Thorpe Municipal Authority (West)**, Richard Steidle, Chairperson, 101 E. Tenth Street, Jim Thorpe, PA 18229. This proposal involves the construction of a filter room, garage, chem feed/storage room laboratory and lavatory. The current filtration system will be replaced with two modular units and site piping modification to accommodate the new water treatment system. The existing filtration plant will be abandoned when construction is complete. It is located in the Borough of Jim Thorpe, **Carbon County**. *Permit to Operate:* December 4, 1997.

**Permit No. 4097505. Sisters of Mercy**, Harry O'Neal, P. O. Box 369, Dallas, PA 18612. This proposal involves the disconnection of the Mercy Center from the college water system and the development of an indepen-

dent water system. A new well source, hypochlorinator and storage/contact tank. It is located in Dallas Township, **Luzerne County**. *Permit to Operate:* December 8, 1997.

**Permit No. 5289521. Paupack Water Company—Tanglewood North Ski Area**, c/o Harold Gumble, Manager, P. O. Box 257, Hawley, PA 18428. This proposal involves the permitting of an existing public water supply system consisting of four wells, disinfection, distribution storage and a distribution system to serve the Tanglewood North Ski Area in Palmyra Township, **Pike County**. *Permit to Operate:* December 1, 1997.

**Permit No. 5497505. Silver Creek Water Filtration Plant, Blythe Township Municipal Authority**, 375 Valley Street, New Philadelphia, PA 17959. This proposal involves the addition of a poly-orthophosphate blend for corrosion control (but not resulting from Subchapter K Lead & Copper Rule). *Permit to Operate:* December 4, 1997.

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

**Permit No. 0497504. Public water supply. Borough of Ambridge Water Authority**, 600 Eleventh Street, Ambridge, PA 15003. *Type of Facility:* Highland Avenue Tank. *Permit to Construct Issued:* February 2, 1998.

**Permit No. 0383502-A4. Public water supply. Worthington Municipal Authority**, P. O. Box O, 434 North Bear Street, Worthington, PA 16262. *Type of Facility:* Pumping equipment in existing meter vault. *Permit to Operate Issued:* February 13, 1998.

**Permit No. 5697503-A1. Public water supply. Meyersdale Municipal Authority**, 226 Center Street, Meyersdale, PA 15552. *Type of Facility:* Well No. 96-1. *Permit to Construct Issued:* February 10, 1998.

**Permit No. 2695502. Public water supply. Pennsylvania-American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317. *Type of Facility:* New chemical feed building, replacement of raw water pumps and other miscellaneous improvements. *Permit to Operate Issued:* February 6, 1998.

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

**Permit No. 6297501. Public water supply. Sheffield Municipal Authority**, 20 Leather St., Sheffield, PA 16347. Construction permit was issued for the addition of a 3rd well known as the Center Street Well in Sheffield Township, **Mercer County**. *Type of Facility:* Community Water Supply. *Consulting Engineer:* Allan R. Vanderpoel, E & M Engineers and Surveyors, P.C., 24 Derrick Rd., Bradford, PA 16701. *Permit to Construct Issued:* February 9, 1998.

**Permit No. 1097507. Public water supply. E. J. Gulick Mobile Home Park**, 106 Beatty Dr., Saxonburg, PA 16056-9520 has been issued a construction permit for the modification of their existing previously permitted water treatment system in Winfield Township, **Butler County**. *Type of Facility:* Community Water Supply. *Consulting Engineer:* Don A Gilmore, P. E., Dakota Engineering Assoc., Inc., 35 Wilson St., Suite 200, Pittsburgh, PA 15223. *Permit to Construct Issued:* February 9, 1998.

## HAZARDOUS SITES CLEANUP

### Under the Act of October 18, 1988

#### Settlement Under the Hazardous Sites Cleanup Act

The Commonwealth of Pennsylvania, Department of Environmental Protection (Department), under the au-

thority of the Hazardous Sites Cleanup Act (HSCA), has entered into partial settlement with Donald Goldstein for response costs associated with the Havertown PCP Superfund Site in Havertown, Delaware County, PA. The Site is located along Eagle Road near the intersection of Lawrence Road and consists primarily of pentachlorophenol and heavy metals contamination associated with the former Wood Processors facility on Eagle Road.

Under the terms of the proposed Partial Consent Decree, Donald Goldstein agrees to forward to the Department his share of the proceeds of a land transfer litigation over the prior sale of a portion of the Site in exchange for an inability-to-pay covenant not to sue from the Department.

This notice is provided under section 1113 of the HSCA, 35 P. S. § 6020.1113. Copies of the full Partial Consent Decree are in the possession of the Department any may be examined at the Department's office at Lee Park, Suite 6010, Conshohocken, PA 19428. Interested persons should contact Tim Sheehan at (610) 832-6149 or Anderson Lee Hartzell at (610) 832-6300 during normal business hours. The Department will provide a 60 day public comment period from the date of this notice. Persons may submit comments to Tim Sheehan at the above address. The Department will provide a response to all significant comments received during the public comment period, and the proposed Consent Decree authorizes the Department to withdraw or withhold its consent in the event that the Department determines, based on the comments received during the public comment period, that the Consent Decree is inappropriate, improper, or not in the public interest.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection 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, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final report.

*Northeast Regional Field Office, Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Bethlehem Economic Development Company—Former Union Station Plaza, City of Bethlehem, Northampton County.** Marlin D. Hunsberger, Project Geologist with National Environmental Technologies Corporation, 2840 W. Clymer Avenue, P. O. Box 204, Telford, PA 18969-0204 (on behalf of his client, Bethlehem Economic Development Company, 10 East Church Street, Bethlehem, PA 18018) has submitted a Final Report concerning the remediation of site soils contaminated with petroleum hydrocarbons and polyaromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide human health standard.

## SOLID AND HAZARDOUS WASTE

### RESIDUAL WASTE PROCESSING FACILITIES

**Permits 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.**

*Central Office, Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, 14th Floor, Harrisburg, PA 17105-8472.*

**General Permit WMGR057:** Transfer of spent mushroom substrate (SMS) prior to its beneficial use.

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management, proposes to authorize, under General Permit WMGR057, the transfer and beneficial use of the spent mushroom substrate. This will be a Statewide general permit.

Under the terms and conditions of the general permit persons who are approved to transfer SMS for beneficial use will be required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act, conformance with minimum isolation distances, maintenance of records and submission of routine operation reports.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and section 287.611 of the residual waste management regulations to issue general permits for any category of beneficial use or processing that results in beneficial use of residual waste on a regional or Statewide basis when the Department determines that use does 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 conditions. The Department has determined the SMS transfer for beneficial use can adequately be regulated using standard conditions.

Persons requesting approval to operate under the terms of the general permit will be required to obtain a Determination of Applicability from the appropriate Regional Office of the Department's Bureau of Land Recycling and Waste Management, for each site where spent mushroom substrate will be transferred. The following minimum information will be required in order to obtain Determination of Applicability:

(a) Name and address of applicant.

- (b) Name and location of facility.
- (c) Number and title of general permit.
- (d) Proof that proposed transfer activities are consistent with the general permit.
- (e) A signed statement accepting all conditions of the general permit.
- (f) Proof of municipal notification.
- (g) Proof of identification of interests.
- (h) Compliance history information.
- (i) An application fee in the amount of \$500.
- (j) A financial bond guaranteeing operation of the entire facility if larger than 5 acres or handling greater than 6,000 cu. yds. of SMS per acre.

Comments concerning the proposed general permit should be directed to Khatija Swaroop, Permitting Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend additional conditions or revisions to or approval or disapproval of the proposed permit.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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#### Permits issued 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.

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*Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.*

**Permit No. 300626. Major Modification. Magee Rieter Automotive Systems** (480 W. Fifth Street, Bloomsburg, PA 17815). Modification for the change of ownership to existing residual waste landfill located in Bloomsburg, **Columbia County** issued in the Regional Office on February 9, 1998.

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

**Permit No. 300624. National Forge Company**, One Front Street, Irvine, PA 16329, located in Brokenstraw Township, **Warren County**. A closure plan to close the Captive Metallurgical Processing Residue Monofill located at the National Forge Irvine Plant was approved in the Regional Office on January 29, 1998.

#### AIR POLLUTION OPERATING PERMITS

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

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

**GP-63-00462: Rice Electric Company** (P. O. Box BA, Washington, PA 15301) issued January 28, 1998, for a natural gas burn-off oven at Washington Plant in Washington City, **Washington County**.

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

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

**OP-26-00291: Silbaugh Vault & Burial Service, Inc.** (542 Morgantown Road, Uniontown, PA 15401) issued January 27, 1998, for vault mfg. and crematory in South Union Township, **Fayette County**.

**OP-65-00630: Mine Safety Appliances Company** (P. O. Box 428, Pittsburgh, PA 15230) issued January 27, 1998, for medical appliances and supplies at Murrysville Plant in Murrysville, **Westmoreland County**.

**65-898A: Three Rivers Pipeline Co.** (3500 Park Lane, Pittsburgh, PA 15275) issued January 28, 1998, for natural gas compressor at Sleepy Hollow Compressor in Salem Township, **Westmoreland County**.

**OP-26-119A: Anchor Glass Container Corp.** (4343 Anchor Plaza Parkway, Tampa, FL) issued January 27, 1998, for metal grinding process at Plant 5 in South Connellsville Borough, **Fayette County**.

**26-313-013: Welland Chemical, Inc.** (P. O. Box 26, Mill Street, Newell, PA 15466) issued January 27, 1998, for nitric acid facility at Newell Works in Newell Borough, **Fayette County**.

**OP-63-110A: Corning Consumer Products Co.** (100th Street, Charleroi, PA 15022) issued January 28, 1998, for mixhouse at Charleroi Plant in Charleroi Borough, **Washington County**.

**AR-04-044: Zinc Corporation of America** (300 Frankfort Road, Monaca, PA 15061) for a Phase II Acid Rain Permit for G. F. Weaton Power Station, Monaca, **Beaver County**.

**OP-65-378A: BP Exploration & Oil, Inc.** (Logistics HSE, 200 Public Sq. 7-T, Cleveland, OH 44114) issued February 11, 1998, for IFR storage tank at Greensburg Terminal in Hempfield Township, **Westmoreland County**.

**TV-65-00181: Chestnut Ridge Foam, Inc.** (P. O. Box 781, Latrobe, PA 15650) issued January 15, 1998, for foam rubber products manufacturing in Latrobe Borough, **Westmoreland County**.

**TV-65-00839: Texas Eastern Transmission Corp.** (P. O. Box 1642, Houston, TX 77251) issued January 7, 1998, for natural gas transmission at Delmont Station in Salem Township, **Westmoreland County**.

#### PLAN APPROVALS

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

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

**PA-26-472A: Iron & Metal, Inc.** (P. O. Box 76, Brownsville, PA 15417) issued January 1, 1997, for the installation of United AS-990 sweat furnace at Brownsville Plant in Jefferson Township, **Fayette County**.

**PA-26-119C: Anchor Glass Container Corp.** (4343 Anchor Plaza Parkway, Tampa, FL 33182) issued January 27, 1998, for installation of No. 2 Deco Lehr in South Connellsville Borough, **Fayette County**.

**PA-63-659A: Penn-Pikt Greenhouses, LLC** (51 Locust Avenue, Suite 302, New Canaan, CT 06840) issued January 27, 1998, for installation of boilers at Arden Facility in Chartiers Township, **Washington County**.

**PA-65-313-009B: Raven Industries, Inc.** (Center Drive, R. D. 6, Box 18A, Latrobe, PA 15650) issued January 15, 1998, for installation toner filling/cleaning equip at Latrobe Plant in Unity Township, **Westmoreland County**.

**PA-26-288A: Commercial Stone Company, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) issued January 15, 1998, for installation of tertiary crush/screen circuit in Connellsville Township, **Fayette County**.

**PA-65-881A: Innovative Carbide, Inc.** (P. O. Box 389, 11099 Rte. 993, Irwin, PA 15642) issued January 15, 1998, for installation of metal powder mixing and drying in North Huntingdon Township, **Westmoreland County**.

**PA-26-119B: Anchor Glass Container Corp.** (4343 Anchor Plaza Parkway, Tampa, FL 33182) issued January 27, 1998, for installation of No. 1 Deco Lehr in South Connellsville Borough, **Fayette County**.

**PA-04-307-099B: Shasta, Inc.** (300 9th Street, Monaca, PA 15061) issued January 28, 1998, for installation of swing grinder in Aliquippa Borough, **Beaver County**.

**PA-65-898A: Three Rivers Pipeline Co.** (3500 Park Lane, Pittsburgh, PA 15275) issued January 27, 1998, for installation of natural gas compressor in Salem Township, **Westmoreland County**.

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

**PA-25-053A: Urick Foundry, Inc.** (1501 Cherry Street, Erie, PA 16501) issued February 6, 1998, for the construction of a slag crusher in Erie, **Erie County**.

**PA-24-131B: SGL Carbon Corp.** (900 Theresia Street, St. Marys, PA 15857) issued February 4, 1998, for the construction of graphite purification furnaces in St. Marys, **Elk County**.

**PA-62-152A: Smith Alexander Services** (1 Front Street, Warren, PA 16365) issued February 11, 1998, for the construction of a slag processing facility in Warren, **Warren County**.

**PA-25-955B: Foam Fabricators, Inc.** (6550 W. 26th Street, Erie, PA 16506) issued February 13, 1998, for the installation of four preexpanders in Fairview Township, **Erie County**.

**33-399-009B: Huntington Foam Corp.** (P. O. Box 248, Brockway, PA 15824) issued February 12, 1998, for the installation of expanders and molding presses in Brockway, **Jefferson County**.

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

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

**19-320-001D: Haddon Craftsmen, Inc.** (4411 Old Berwick Road, Bloomsburg, PA 17815) issued on February 4, 1998, for the minor modification of a plan approval to revise adhesive volatile organic compound content limitations and to establish production limitations for a book binding operation in South Centre Township, **Columbia County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

#### Coal Permits Issued

**32970102. Derry International, Ltd.** (P. O. Box 529, New Alexandria, PA 15670), commencement, operation and restoration of a bituminous strip mine in Blacklick Township, **Indiana County**, affecting 167.5 acres, receiving stream unnamed tributaries to Muddy Run; unnamed tributaries to Blacklick Creek; application received February 12, 1997, permit issued February 6, 1998.

**32960102. Permit Revision. John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711). The permit revision involves the addition of coal mining acreage as follows: On the Upper Freeport Seam, an additional 2.2 coal mining acres, on the Lower Freeport Seam, an additional 12.1 coal mining acres, and 20 Lower Freeport auger acres. Also, a request has been made to modify the proposed land usages on the properties of Genevieve, Raynold and Karen Haverilla, James Timblin, William Mahan and Sylvia Ferrara. Instead of returning these areas to forestland, it has been proposed to return them to pastureland or land occasionally cut for hay. The revision is located in Canoe Township, **Indiana County**, affecting 262 acres. Receiving stream unnamed tributaries to Canoe Creek to Canoe Creek to Little Mahoning Creek. Application received October 6, 1997. Application issued February 10, 1998.

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

**26920106R. Harry Lee and Rolland Herring** (R. D. 1, Box 181, Masontown, PA 15461). Renewal permit

issued for continued operation and reclamation of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 22.0 acres. Receiving streams unnamed tributaries to Jacobs Creek. Renewal application received December 8, 1997. Renewal issued February 12, 1998.

**26970106. T. L. Hill Coal Company** (R. D. 3, Box 690A, Uniontown, PA 15401). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in Georges Township, **Fayette County**, affecting 243.0 acres. Receiving streams unnamed tributaries to York Run, York Run, Georges Creek, Monongahela River. Application received September 25, 1997. Permit issued February 12, 1998.

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

**24870102. Black Fox Development, Inc.** (Box 176, Glen Campbell, PA 15742). Renewal of an existing bituminous strip and tippel refuse disposal operation in Jay Township, **Elk County** affecting 94.5 acres. This renewal is issued for reclamation only. Receiving streams unnamed tributary to Bennett Branch Sinnemahoning Creek. Application received December 15, 1997. Permit issued January 29, 1998.

**24970102. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Commencement, operation and restoration of bituminous strip operation in Fox Township, **Elk County** affecting 230.5 acres. Receiving streams two unnamed tributaries to Brandy Camp Creek, one unnamed tributary to McCauley Run and McCauley Run. Application received August 7, 1997. Permit issued January 29, 1998.

**33920110. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201). Revision to an existing bituminous strip and auger operation to change the postmining land use from pastureland to land occasionally cut for hay on the J. C. Enterprises and Mervin J. Adams properties in Porter Township, **Jefferson County**. Receiving streams unnamed tributary to Middle Branch Pine Run and unnamed tributary to Pine Run. Application received October 27, 1997. Permit issued February 3, 1998.

**33870113. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Commencement, operation and restoration of a bituminous strip operation in Winslow Township, **Jefferson County** affecting 257.0 acres. Receiving streams unnamed tributaries to Schoolhouse Run and unnamed tributaries to Panther Run. This renewal is issued for reclamation only. Application received November 7, 1997. Permit issued February 6, 1998.

**16970106. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214). Commencement, operation and restoration of a bituminous strip operation in Perry Township, **Clarion County** affecting 14.6 acres. Receiving streams Dunlap Creek. Application received October 22, 1997. Permit issued February 9, 1998.

*McMurray District Office*

**14841601. Northern Counties Coal Co., Inc.** (P. O. Box 668, Philipsburg, PA 16866), to revise the permit for the Onemile Run Prep Plant in Rush Township, **Centre County**, sludge utilization, no additional discharges. Permit issued February 10, 1998.

**32931601. Senate Coal Mines, Inc.** (P. O. Box 682, Latrobe, PA 15650), to operate the Coral Tipple in Burrell Township, **Indiana County**, Twolick Creek. Permit issued February 10, 1998.

**03911302. Rosebud Mining Co.** (R. D. 9, Box 379A, Kittanning, PA 16201), to revise the permit for the Roaring Run Mine in Kiskiminetas Township, **Armstrong County** to add permit and subsidence control plan acres, no additional discharges. Permit issued February 10, 1998.

**32871301. Florence Mining Co.** (P. O. Box 51, New Florence, PA 15944), to revise the permit for the Heshbon Mine in West Wheatfield Township, **Indiana County** to postmining land use change to allow access road and sediment pond to remain, no additional discharge. Permit issued February 11, 1998.

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

**54773223T. CLS Coal Company** (P. O. Box 81, Port Carbon, PA 17965), transfer of an existing coal refuse reprocessing/disposal operation in Cass Township, **Schuylkill County** affecting 133.0 acres, receiving stream none. Transfer issued February 9, 1998.

**40850203C2. Silverbrook Anthracite, Inc.** (322 Simpson Street, Dupont, PA 18641), correction to an existing coal refuse disposal operation in Newport Township, **Luzerne County** affecting 49.0 acres, receiving stream none. Correction issued February 12, 1998.

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

*Noncoal Permits Issued*

**03910401R. M & M Line Co., Inc.** (R. D. 1, Box 247M, Worthington, PA 16262). NPDES renewal issued for a large noncoal surface mine located in West Franklin Township, **Armstrong County** and Clearfield Township, **Butler County**. Receiving streams Buffalo Creek. Application received January 5, 1998. NPDES renewal issued February 10, 1998.

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

**20970303. Frank Tucci** (R. D. 2, Cambridge Springs, PA 16403). Commencement, operation and restoration of a sand and gravel operation in Rockdale Township, **Crawford County** affecting 12.7 acres. Receiving streams unnamed tributary to Kelly Run and Kelly Run. Application received April 17, 1997. Permit issued February 3, 1998.

**302732-20970303-E-1. Frank Tucci** (R. D. 2, Cambridge Springs, PA 16403). Application for a stream encroachment to conduct mining activities no closer than 50 feet to the unnamed tributary to Kelly Run for the purposes of support facility construction and maintenance in Rockdale Township, **Crawford County**. No mineral extraction may be conducted closer than 100 feet of the unnamed tributary to Kelly Run. Receiving streams unnamed tributary to Kelly Run and Kelly Run. Application received April 17, 1997. Permit issued February 3, 1998.

**43970302. Donald Lark & Sons, Inc.** (339 Garfield Street, West Middlesex, PA 16159). Commencement, operation and restoration of a sand and gravel operation in Shenango Township, **Mercer County** affecting 9.0 acres. Receiving streams unnamed tributary to the Shenango River. Application received June 3, 1997. Permit issued February 3, 1998.

**37970301. Quality Aggregates, Inc.** (P. O. Box 9347, Neville Island, PA 15225). Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 11.7 acres. Re-

ceiving streams unnamed tributary to Slippery Rock Creek. Application received October 2, 1997. Permit issued February 9, 1998.

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

*General Small Noncoal Authorizations Granted*

**58970866. Craig R. Reeves** (P. O. Box 190, South Montrose, PA 18843). Commencement, operation and restoration of a bluestone quarry operation in Forest Lake Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted February 10, 1998.

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**Bureau of Deep Mine Safety**

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The Bureau of Deep Mine Safety has approved a request for variance from **Consolidation Coal Company**. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (724) 439-7469.

*Summary of the Request:* Consolidation Coal Company requested to increase shelter hole spacing in the track haulage entry in Mains Development to intervals up to 150-foot centers at the Dilworth Mine.

The basis for the Bureau's approval can be summarized in the following statements:

1. All designed shelter holes in the affected areas will be marked with reflectors.
2. Crosscuts utilized as shelter holes shall be kept clear of refuse and other obstructions for a distance of 15 feet in length and 6 feet in width.
3. Crosscuts utilized as shelter holes shall be at least the height of the coal seam where the coal seam is less than 6 feet high, and at least 6 feet in height where the coal seam is 6 feet or more in height.
4. Work crews assigned to perform work along the haulageway in the affected area will notify the dispatcher of the location where work will be performed. Upon arrival at the work site, the workers will locate a crosscut or shelter hole where they can take refuge when haulage equipment is passing by.
5. The dispatcher will notify all track-mounted vehicle operators of the location of work crews performing work in the affected area. When any haulage equipment approaches a person who is traveling on foot, or working in the track entry, the equipment operator shall sound an alarm and bring such equipment to a complete stop. The equipment shall not pass until the person on foot has taken refuge in a shelter hole.
6. All persons working in the mine shall be notified of these provisions prior to implementation.
7. Locomotives used to transport supplies or equipment should be of sufficient size (tonnage) to be able to stop their loads within a safe distance.
8. All vehicles are operated at speeds which will allow for safe stops under prevailing track conditions.
9. Signs shall be posted stating that shelter hole spacing exceeds 80 feet.
10. Shelter holes shall be maintained at all switch throws and doors.
11. Supply cars and equipment shall be pulled by a locomotive in the direction of travel. When it is necessary to push nonpropelled (supply cars, and the like) track

haulage equipment, it shall be done only from the last available track switch. Trip lights shall be used on the end that does not have a locomotive coupled.

12. Workers performing tasks along track haulage roads shall be provided with flashing warning lights. These devices shall be placed not more than 50 feet from each work site, and in clear view of approaching haulage equipment.

13. All mine workers and persons entering the mine shall be adequately trained and instructed concerning shelter hole procedures and safety precautions.

14. A mine phone shall be maintained at the track haulage switch for each working section off the main haulage.

This approval is limited to a variance from the distance requirements for shelter holes contained in section 268(b) of the Bituminous Coal Mine Act. All other terms and requirements of section 268 shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the approved plan.

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

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

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

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

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

**E40-473.** Encroachment. **Penn State Seed Co., Inc.**, Box 390, Route 309, Dallas, PA 18612. To maintain fill within the floodway, along the easterly (right) bank of a 600-foot reach of Leonard Creek, including fill within 0.06 acre of wetlands. The project is located on the east side of S. R. 0309, approximately 2,300 feet south of the Luzerne/Wyoming County line (Center Moreland, PA Quadrangle N: 1.9 inches; W: 14.7 inches), in Dallas Township, **Luzerne County**. The permittee is required to provide 0.12 acre of replacement wetlands.

**E54-239.** Encroachment. **Mountain Valley, Inc.**, P. O. Box 179, Mahanoy City, PA 17948. To construct and maintain a timber golf cart bridge, 250 feet in length by 10 feet in width across wetlands at the Mountain Valley Golf Course. This project is located between Interstate 81 and S. R. 1006 (Burma Road), 200 feet south of S. R. 1011 (Shenandoah, PA Quadrangle N: 7.5 inches; W: 1.0 inch) in Ryan Township, **Schuylkill County**.

**EA40-004NE.** Environmental Assessment. **Luzerne County Flood Protection Authority**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. To remove the abandoned Delaware and Hudson Railroad Bridge across the Susquehanna River. The bridge piers will be removed down to existing channel bed elevation. The project includes excavation/regrading along approximately 700 linear feet of the right bank and approximately 250 linear feet of the left bank, in the vicinity of the removed abutments/approaches, for the purpose of restoring the channel cross-section. The bridge is located approximately 1 mile upstream of the S. R. 2005 bridge (Wilkes-Barre West, PA Quadrangle N: 21.9 inches; W: 5.9 inches), in Wilkes-Barre City and Larksville Borough, **Luzerne County**.

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

**E12-103.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754. To remove an existing structure and to construct and maintain a prestressed concrete I-beam bridge with four normal clear spans of 94.16 feet, 91.44 feet, 91.44 feet and 94.16 feet respectively with a minimum underclearance of 17 feet across Bennetts Branch located approximately 1,300 feet north on T-343 from SR 0555 (Driftwood, PA Quadrangle N: 15.25 inches; W: 1.50 inches) in Gibson Township, **Cameron County**.

**E12-105.** Encroachment. **Department of Conservation & Natural Resources, Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17101. To remove the existing structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge with a clear span of 16,824 mm an underclearance of 2,455 mm and a clear roadway width of 6,614 mm over Mix Run on Red Run Road approximately 1.5 miles south of the intersection of Red Run Road with T-347 (Driftwood, PA Quadrangle N: 12.4 inches; W: 11.6 inches) in Gibson Township, **Cameron County**. Estimated stream disturbance is 60 meters of waterway and 29 square meters of wetlands; stream classification is high quality cold water fishery and is also listed as approved trout waters and as a surveyed stream having verified trout reproduction.

**E18-241.** Encroachment. **Clinton Country Club**, P. O. Box 436, Lock Haven, PA 17745. To construct and maintain a 20-foot by 24-foot rain shelter/pavilion with open sides in the floodway of Bald Eagle Creek located on the Clinton Country Club Golf Course, 48 feet from Bald

Eagle Creek and approximately 1,200 feet upstream of Country Club Lane (Mill Hall, PA Quadrangle N: 21.5 inches; W: 16.5 inches) in Bald Eagle Township, **Clinton County**. This permit was issued under section 105.13(e) Small Projects.

**E59-353.** Encroachment. **Norman E. Powell, Jr., Robert Powell**, 1505 Naamans Creek Rd., Boothwyn, PA 19061. To construct and maintain a 44-foot clear span steel I-beam bridge over Catlin Hollow Creek located off SR 4035, 1.3 miles southeast of SR 0287 (Keeneyville, PA Quadrangle N: 11.4 inches; W: 3.0 inches) in Charleston Township, **Tioga County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

#### DAM SAFETY

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

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

**LP15-064B.** Limited Power. **Donald H. and Joan L. Silkknitter** (Rokeby Hollow, 1212 Doe Run Road, Coatesville, PA 19320). To operate and maintain an existing dam and hydroelectric generating plant on Buck Run, located 4 miles upstream of its confluence with Brandwyne Creek in West Marlborough Township, **Chester County**.

#### ENVIRONMENTAL ASSESSMENT

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

**EA22-010C0.** Environmental Assessment. **Levi Esh** (285 Smith Road, Millersburg, PA 17061). To construct and maintain a nonjurisdictional dam across a tributary to Little Wiconisco Creek (WWF) for the purpose of recreation and is located approximately 2,400 feet northeast of the intersection of Kessler Road and T633 (Elizabethville, PA Quadrangle N: 19.10 inches; W: 13.25 inches) in Mifflin Township, **Dauphin County**.

#### SPECIAL NOTICES

##### Planning Grant Awards Under the Municipal Waste Planning Recycling and Waste Reduction Act

The Department of Environmental Protection (Department), hereby announces the following grants to counties under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904). The awards are based upon applications received by the Department in 1997.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, and for environmental mediation. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities

for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

### Act 101 Section 901 Planning Grants

#### *Bureau of Land Recycling and Waste Management*

<i>County</i>	<i>Activities</i>	<i>DEP Grant</i>
Northcentral Region		
Union County	Revise the Union County Municipal Waste Management Plan	\$34,578
	Total	\$34,578

[Pa.B. Doc. No. 98-340. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Availability of Draft Section 303(d) List of Impaired Waters

The Department of Environmental Protection (Department) is making available for public comment a draft 1998 list of waterbodies in Pennsylvania with impaired water quality as required by 303(d) of the Federal Clean Water Act.

The Department of Environmental Protection has an ongoing program to assess the water quality of waters in Pennsylvania. Streams and other bodies of water that do not meet water quality standards are identified as impaired along with the reason for impairment—point sources like industrial or wastewater discharges or nonpoint sources like abandoned mine lands or agricultural runoff.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to further evaluate the list of impaired waters to determine which waters would still be impaired even after the appropriate technology has been applied to point sources and required best management practices are in place for non-point sources. Waterbodies that still do not meet water quality standards after this additional evaluation are required to be put on the 303(d) list of impaired waters.

For each waterbody on the 303(d) list, the state or the United States Environmental Protection Agency must develop Total Maximum Daily Load (TMDL) allocations. If a TMDL has already been established for a waterbody, that waterbody is not listed.

A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and non-point pollutant loads without violating water quality standards. They also describe the conditions necessary to improve water quality. TMDLs are used to set limits in NPDES water quality permits and identify where best management practices for non point sources are necessary to improve and protect water quality.

Waterbody assessments and the listing on the 303(d) list is an ongoing process. The Department will continue to verify the quality of data on waterbodies on the list and as needed, the Department will publish a supplement to the list for additional public review and comment.

The Department will consider all public comments regarding the validity of the data and the appropriateness of placing waterbodies on the draft list. The final list will

be submitted to the United States Environmental Protection Agency as required for approval.

The draft 1998 list was developed using information from stream and lake surveys and other sources, including the Department's Unassessed Waters Program, the Water Quality Assessment Process, the Nonpoint Source Program, and existing and readily available data submitted by external groups and agencies.

A summary addressing all impaired waters is contained in DEP's biennial report required by section 305(b) of the Federal Clean Water Act.

Copies of the draft 303(d) List may be obtained from Edward R. Brezina, Chief, Division of Water Quality Assessment & Standards, Bureau of Watershed Conservation, Post Office Box 8555, Harrisburg, PA 17105-8555, (717) 787-9637 or by e-mail from (hepp.joseph@al.dep.state.pa.us). Copies of the the 305(b) summary are also available.

Persons wishing to comment on the draft list may do so in writing to the Bureau of Watershed Conservation or by e-mail at the above addresses no later than March 30, 1998. Comments received by facsimile will not be accepted.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-341. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1997.



*Ordering Paper Copies of DEP Technical Guidance*

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

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

*Changes to Technical Guidance Documents*

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

*Draft Guidance—Substantive Revision*

DEP ID: 393-0900-014 Title: Applicability of Chapter 245.453 Assessing the Site at Closure or Change-in-Service Description: This guidance must be revised because of the adoption of Act 16 which eliminates several classes of tanks from regulation. Draft Development Date: February 10, 1998 Page Length: 4 pages Location: Vol 33, Tab 14 Contact: Glenn Rider at (717) 772-5599.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-342. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hearing Aid Advisory Council Meeting

The Hearing Aid Advisory Council is scheduled to hold a meeting on June 18, 1998, from 1 p.m. to 3 p.m. in room 132, Kline Village Plaza, Suite A, Harrisburg, PA. Anyone wishing to attend the meeting or who has questions regarding the meeting should contact John Hair, Acting Director, Bureau of Facility Licensure and Certification, at (717) 787-8015.

Persons who require reasonable accommodations or who have special needs in accordance with the Americans with Disabilities Act of 1990 should contact John Hair at (717) 787-8015 at least 10 days prior to the meeting. TDD: (717) 783-6514 or Network/TDD: (8) (717) 433-6514.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-343. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Meeting

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act, 42 U.S.C.A. §§ 241(a), 247(b), will hold a public meeting on March 18, 1998.

The meeting will be held at Harrisburg Holiday Inn Hotel and Conference Center, I-83 and PA Turnpike, New Cumberland, PA from 10 a.m. to 4 p.m.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aid service, or other accommodation to do so, contact Tom DeMelfi, Pennsylvania Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA 17108, (717) 783-0574.

TDD: (717) 783-6514 or Network/TDD: (8) (717) 433-6514.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-344. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania EZ Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania EZ Money.

2. *Price:* The price of a Pennsylvania EZ Money instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania EZ Money instant lottery game ticket will contain one play area featuring one "Lucky Symbol" area and one "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and "Your Symbols" area are: Coins Symbol (COINS), Money Bag Symbol (BAG), Bills Symbol (BILLS), Jewel Symbol (JEWEL), Piggy Bank Symbol (BANK), Gold Bar Symbol (BAR), Wallet Symbol (WALLET), Safe Symbol (SAFE), Dollar Signs Symbol (\$\$) and Chest Symbol (CHEST).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Symbols" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THREE DOL), \$4<sup>00</sup> (FOUR DOL), \$5<sup>00</sup> (FIVE DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$100 (ONE HUN) and \$500 (FIVE HUN).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$100 and \$500. The player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania EZ Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$500 (FIVE HUN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$100 (ONE HUN)

appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$100.

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

(d) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(e) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5<sup>.00</sup> (FIVE DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(f) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$4<sup>.00</sup> (FOUR DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(g) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$3<sup>.00</sup> (THREE DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	\$1	1:7.89	1,520,000
\$1 x 2	\$2	1:17.65	680,000
\$2	\$2	1:100	120,000
\$1 x 3	\$3	1:100	120,000
\$3	\$3	1:300	40,000
\$1 x 4	\$4	1:150	80,000
\$2 x 2	\$4	1:375	32,000
\$4	\$4	1:1,500	8,000
\$1 x 5	\$5	1:150	80,000
\$2 + \$3	\$5	1:500	24,000
\$5	\$5	1:750	16,000
\$2 x 5	\$10	1:500	24,000
\$5 x 2	\$10	1:1,000	12,000
\$10	\$10	1:3,000	4,000

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$3 x 5	\$15	1:300	40,000
\$4 x 5	\$20	1:750	16,000
\$10 x 2	\$20	1:1,500	8,000
\$5 x 3 + \$3 + \$2	\$20	1:1,500	8,000
\$20	\$20	1:1,500	8,000
\$20 x 5	\$100	1:20,000	600
\$100	\$100	1:30,000	400
\$100 x 5	\$500	1:40,000	300
\$500	\$500	1:80,000	150

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania EZ Money 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 EZ Money, prize money from winning Pennsylvania EZ Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania EZ Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania EZ Money or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 98-345. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

**Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga, Union and Bradford Counties**

**Project Reference No. 08430AG2162**

The Department of Transportation will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 3-0, that is Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga, Union and Bradford

Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of one million (\$1,000,000) dollars.

It is anticipated that a maximum supplementary construction inspection staff of twenty-five (25) inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Number of available inspectors in each payroll classification.
- c. Number of NICET and NECEPT certified inspectors in each payroll classification.
- d. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete and asphalt paving, drainage, wetlands, CPM schedule monitoring and plant inspection.
- e. Understanding of Department's requirements, policies, and specifications.
- f. Ability to provide CPM scheduling.
- g. Past Performance.
- h. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	10 (6)
Transportation Construction Inspector -Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	2 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (6)

<i>Classification</i>	<i>No. of Inspectors</i>
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (2)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The number(s) in parenthesis above also indicate the number of inspectors in each classification (except Technical Assistant) that must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as a Field Technician for TCM-1, TCIS and TCI and as a Plant Technician for TCI-M. Certification for Technical Assistants is not required.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
Transportation Construction (TCM-1)	\$44.93
Manager 1	
Transportation Construction (TCIS)	\$39.36
Inspector Supervisor	
Transportation Construction (TCI-M)	\$35.51
Inspector—Materials	
Transportation Construction (TCI)	\$34.43
Inspector	
Technical Assistant (TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the

construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; provide inspection of work being performed under Highway Occupancy Permits, at material producing plants, and of utility construction and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	12
TCI-M	3
TCI	12

No resumes are required for the TA Classification.

The second copy of the letter of interest and required form, (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to Mr. John P. Ryan, P.E., District 3-0, at (717) 368-4233.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Somerset and Cambria Counties  
Project Reference No. 08430AG2163**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately fifteen (15) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

1. *Somerset County, S.R. 0219, Section 018*

This project involves the reconstruction of approximately 8.0 miles of four-lane, divided highway consisting of Superpave Asphalt Mixture Design Wearing Course on Superpave Asphalt Mixture Design Binder Course, Plain Cement Concrete Pavement and Patching, Bituminous and Concrete Paved Shoulders, rehabilitation of eight (8) structures, installation of a weather monitoring system, signing, pavement markings, guiderail, drainage, and related work.

2. *Somerset and Cambria Counties, S.R. 0219, Section 019*

This project involves the reconstruction of approximately 5.8 miles of four-lane, divided highway consisting of Superpave Asphalt Mixture Design Wearing Course on Superpave Asphalt Mixture Design Binder Course, Plain Cement Concrete Pavement and Patching, Paved Shoulders, rehabilitation of six (6) structures, signing, pavement markings, guiderail, drainage, and related work.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be estab-

lished directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.

b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving (Superpave), drainage, engineered retaining walls, environmental regulations, and computerized documentation.

c. Past performance of management skills relative to both Consultant Agreement and Construction Inspection Services.

d. Understanding of Department's requirements, policies, and specifications including some metric specifications.

e. Location of consultant.

f. Availability and number of inspectors in each class, their certification, and abilities to perform testing of materials.

g. Experience with monitoring CPM.

h. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 2 (TCM-2) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Inspector Supv. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	9 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of

Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-2)	\$51.24
(TCIS)	\$39.36
(TCI-Materials)	\$35.51
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item, participate with the Department in the semi-final and final inspections, determine from the project records the final quantities of each contract item, provide certified CDS operators, provide certified inspectors on Superpave bituminous paving, and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 2 Nuclear Densometer Gauges/License
- 1 Vehicle for the Transportation of Nuclear Gauges
- 2 Base Radio Stations
- 7 Two-way Radios
- 1 Two-Way Radio Repeater Station
- 1 Camera

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is con-

tained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-2, and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-2	2
TCIS	3
TCI-M	2
TCI	11

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. Earl L. Neiderhiser, P.E., District Engineer, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

Any technical questions concerning the requirements for this project should be directed to Mr. Thomas V. Bracken, District 9-0, at (814) 696-7140, or Mr. Richard L. Fox, P.E., District 9-0, at (814) 696-7130.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Wayne County  
Project Reference No. 08430AG2164**

The Department of Transportation will retain an engineering firm to perform preliminary design work and environmental studies for the Church Street Bridge over the Lackawaxen River in Honesdale Borough, Wayne County. The estimated construction cost is \$1.3 million dollars.

The Department intends to use the Modified Turnkey concept for this project. The Department will advertise for a contractor to complete the design and construct the project based on the approved conceptual design.

The selected firm will be required to define the line and grade sections; provide the conceptual design for the bridge; obtain all permits; prepare a Categorical Exclusion Evaluation; prepare a Right-of-Way Plan; perform utility coordination tasks and provide project management.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Project team composition.
- c. Project team experience.
- d. Maintaining schedule and budget commitments.
- e. Past performance.
- f. Current Workload.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for April 14, 1998 at 10:30 A.M., to be held at Engineering District 4-0, O'Neill Highway, Dunmore, PA 18512.

All candidates who submit a letter of interest will be notified if this date is changed. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Robert J. Horutz, P.E. District Liaison Engineer, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501.

Any technical questions concerning the requirements for this project should be directed to Mr. Robert J. Horutz, P.E. District Liaison Engineer, District 4-0, at (717) 963-4064.

Any 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 providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief  
Consultant Selection Committee  
7th Floor, Forum Place,  
555 Walnut Street  
P. O. Box 3060  
Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from

being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one 8 1/2" x 11" page, one side)

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required

work and services. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantage Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

#### 4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

#### 5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

#### 6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

#### 7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

#### 8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Ac-

quisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

#### 9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-346. Filed for public inspection February 27, 1998, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Notice

The Health Care Cost Containment Council has scheduled the following meetings for March: Wednesday, March 4, 1998, Data Systems Committee at 10 a.m.; Education Committee at 1 p.m. The committee meetings will be held in the conference room at the Council office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council meeting will be held on Thursday, March 5, 1998, at 10 a.m. in the AARP Conference Room, 225 Market Street, Fifth Floor, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodations due to a disability and want to attend a meeting, should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, or call (717) 232-6787, at least 24 hours in advance so arrangements can be made.

CLIFFORD L. JONES,  
*Executive Director*

[Pa.B. Doc. No. 98-347. Filed for public inspection February 27, 1998, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed at the Historic Preservation Board Meeting

The March 10, 1998, meeting of the Historic Preservation Board will start at 9:45 a.m. in Room 515, Pennsylvania Historical and Museum Commission, Third and North Streets, Harrisburg, PA.

Individuals with a disability who wish to attend this meeting, and who require an auxiliary aid, service or other accommodation to participate, should contact Denise Costa at (717) 783-8946 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. If there are questions or comments, contact the Bureau for Historic Preservation at (717) 783-8946.

*Aluminum Resources of Southwestern Pennsylvania, Multiple Property Documentation Form*

1. *New Kensington Downtown Historic District*, roughly bounded by 8th Ave., 3rd St., 11th Ave. and Barns Ave., New Kensington, Westmoreland County

2. *New Kensington Production Works Historic District*, roughly bounded by 3rd Ave., Conrail, Second Ave., 9th St., the Allegheny River and 16th Street, New Kensington and Arnold, Westmoreland County

3. *Aluminum City Terrace Historic District*, Terrace Street, New Kensington, Westmoreland County

4. *Aluminum Club*, 200 Freeport Road, New Kensington, Westmoreland County

5. *Mount St. Peters Roman Catholic Church*, 100 Freeport Road, New Kensington, Westmoreland County

6. *Aluminum Research Laboratories*, Freeport Road, New Kensington, Westmoreland County

7. *Logans Ferry Powder Works*, Barking Road, Plum Borough, Allegheny County

*Other Nominations*

8. *Carl Mackley Homes*, 4301 East Bristol St., Philadelphia

9. *West Vincent Highlands Historic District*, roughly bounded by Birch Run, Fellowship, Hollow Roads, Route 401, Horshoe Trail and Davis, Jaime, Green, Bartlett and Mill Lanes, West Vincent and Upper Uwchlan Twps., Chester County

10. *Stoddardsville Historic District*, South side SR115 at Lehigh River, Luzerne County, Buck and Toby Hanna Twps., Luzerne and Monroe Counties

11. *Waugh, A. P. and J. S., House*, 23 West Main St., Greenville, Mercer County

12. *Rex, John, Farm*, 1/2 mi. east of Jefferson village, Jefferson Twp., Greene County

13. *Kent, Thomas, Jr., Farm*, 208 Laurel Run Road, Franklin Twp., Greene County

BRENT D. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 98-348. Filed for public inspection February 27, 1998, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 1 p.m., Friday, February 13, 1998, and took the following actions:

*Regulation Approved:*

# 1833 Environmental Quality Board # 7-318: Oil and Gas Amendments (amends 25 Pa. Code Chapters 78—80)

# 1895 Pennsylvania Liquor Control Board # 54-51: License Applications: Duties and Rights of Licensees; Transfer, Extensions, Surrender, Exchange Licenses; Promotion; Special Rules of Administrative Practice and Procedure Regarding Matters Before the Office of Administrative Law Judge (amends 40 Pa. Code §§ 3.52, 5.91, 13.102 and 15.42)

# 1913 State Board of Medicine # 16A-496: Prescribing, Administering and Dispensing Controlled Sympathomimetic Amines (amends 49 Pa. Code Chapter 16)

# 1912 State Board of Medicine # 16A-495: Complaint Process, Formal Hearings and Appeals (amends 49 Pa. Code Chapter 16)

*Regulations Disapproved:*

# 1848 Department of Health # 10-148: Health Facility Licensure (amends 28 Pa. Code Chapter 139 and adds new Chapters 51, 136, 138, and 158)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 13, 1998

*Environmental Quality Board—Oil and Gas Amendments;  
Doc. No. 7-318*

### Order

On April 21, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). It amends 25 Pa. Code Chapters 78—80. The statutory authority for the regulation is found in section 604 of the Oil and Gas Act (58 P. S. § 601.604), section 5 of the Oil and Gas Conservation Law (58 P. S. § 405), section 105 of the Solid Waste Management Act (35 P. S. § 6018.105), section 5 of The Clean Streams Law (35 P. S. § 691.5), and section 1920-A of The Administrative Code of 1929 (71 P. S. § 501-520). The proposed regulation was published in the May 3, 1997 edition of the *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 7, 1998.

These amendments are a result of the Department of Environmental Protection's (DEP) Regulatory Basics Initiative announced in August 1995 and input from the Oil and Gas Technical Advisory Board. Chapter 78 amendments will: simplify notification and reporting requirements, clarify requirements for the discharge to the land surface of topsoil water, clarify surface casing and cementing procedures, and clarify plugging procedures for wells in coal areas. Chapter 79 has been amended to be consistent with the revisions to Chapter 78. Chapter 80 will be deleted because oil and gas well classification under the Federal Natural Gas Policy Act of 1979 has been terminated.

We have reviewed this regulation and find the amendments to be in the public interest. Approximately 1,100



oil and gas well operators in the commercial oil and gas production business in Pennsylvania will benefit from the changes. The oil and gas industry will save approximately \$12,500 per year as a result of reduced reporting requirements. In addition, technical requirements have been clarified and obsolete requirements eliminated.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-318 from the Environmental Quality Board, as submitted to the Commission on January 7, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 13, 1998

*Pennsylvania Liquor Control Board—License Applications; Duties and Rights of Licensees; Transfer; Extension, Surrender and Exchange of Licenses; Promotion; Special Rules of Administrative Practice and Procedure Regarding Matters before the Office of Administrative Law Judge; Doc. No. 54-51*

#### Order

On October 6, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (LCB). This rulemaking amends 40 Pa. Code §§ 3.52, 5.91, 13.102 and 15.42. The authority for this regulation is Section 207(i) of the Liquor Code (47 P. S. § 2-207(i)). The proposed regulation was published in the October 18, 1997, issue of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 16, 1998.

This regulation amends the LCB's existing rules in five distinctive ways. It prohibits a licensee from conducting another business on licensed premises without LCB approval. It reduces reporting requirements for officers of a club. Third, it deletes the meal package exception to "happy hour" restrictions. The fourth and fifth amendments bring an existing provision into conformity with current State law, and delete an unnecessary provision. This regulation will not impose additional costs on the regulated community, or the state or local governments.

We have reviewed this regulation and find it to be in the public interest. Both the LCB and licensees will benefit from the elimination of unnecessary paperwork associated with frequent filings of change of officer form by nonprofit groups with club licenses. These amendments are also consistent with the Liquor Code.

*Therefore, It Is Ordered That:*

1. Regulation No. 54-51 from the Pennsylvania Liquor Control Board, as submitted to the Commission on January 16, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 13, 1998

*State Board of Medicine—Prescribing, Administering and Dispensing Controlled Sympathomimetic Amines; Doc. No. 16A-496*

#### Order

On January 14, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 16. The authority for this regulation is Section 8 of the Medical Practice Act (63 P. S. § 422.8). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Board is deleting section 16.96 which pertains to prescribing, administering and dispensing controlled sympathomimetic amines. This section expired under sunset provisions on January 17, 1992.

We have reviewed this regulation and find it to be in the public interest. This rulemaking removes an obsolete provision from the Pennsylvania Code.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-496 from the State Board of Medicine, as submitted to the Commission on January 14, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 13, 1998

*State Board of Medicine—Complaint Process, Formal Hearings and Appeals; Doc. No. 16A-495*

#### Order

On January 14, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine. This rulemaking amends 49 Pa. Code Chapter 16. The authority for this regulation is contained in section 8 of the Medical Practices Act (63 P. S. § 422.8). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The State Board of Medicine is proposing to delete sections of its regulations relating to the process used for complaints to be filed against licensees, the hearing process to consider complaints, and the appeal process for decisions on complaints. The Board is repealing these provisions because of a 1992 Supreme Court decision, *Lyness v State Board of Medicine*, invalidated the Board's procedural regulations.

We have reviewed this regulation and find it to be in the public interest. The regulation is necessary to delete provisions of the Board's regulations that were found to be unconstitutional.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-495 from the State Board of Medicine, as submitted to the Commission on January 14, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Robert J. Harbison, III; John F. Mizner, Dissenting

Public Meeting held  
February 13, 1998

*Department of Health—Health Facility Licensure; Doc. No. 10-148*

### Order

On May 21, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 139 and adds new Chapters 51, 136, 138, and 158. The authority for this regulation is section 801.1 of the Health Care Facilities Act (35 P. S. § 448.801a). The proposed regulation was published in the May 31, 1997 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 22, 1998.

The Department is amending its regulations to provide quality assurance standards for specific services provided by hospitals. The regulation is necessary because the Certificate of Need (CON) Program sunset in December of 1996. Unlike the CON process, the Department of Health will not be approving a hospital based on the need for a specific health service in a particular area. Instead, the Department will be reviewing quality assurance standards in the provision of services.

We have reviewed this regulation and find it not to be in the public interest. The definition of "pediatric heart surgery" could limit the care of some patients, who may be more appropriately served in an adult program. Further, references to body weight and mass are not included in the definition, which instead contains a general reference to "physical development" and an arbitrary age limit. Based on our concerns with this definition, we find that it lacks clarity.

We further find that provisions in section 138.13 of Chapter 138 (Cardiac Catheterization Services) are not in the public interest. The section requires that at least one registered nurse with experience and knowledge of cardiac catheterization be assigned to the cardiac catheterization laboratory at all times. However, Registered Cardiovascular Technicians (RCVTs) are currently staffing the cardiac catheterization laboratories in a number of hospitals. Further, some of these RCVTs are credentialed only after extensive training and examination in this specialized area. Mandating the presence of a similarly trained registered nurse will not necessarily improve the care or safety of patients in the laboratory. The proposal could adversely impact hospitals and their staffs. Therefore, based on the potential adverse economic impact on hospitals and on all of trained personnel currently working in this field, and reasonableness, the regulations does not meet the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 10-148 from the Department of Health, as submitted to the Commission on January 22, 1998, is disapproved;

2. The Department of Health shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;

3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and

4. This Order constitutes a bar to final publication of Regulation No. 10-148 under section 6(b) of the Regulatory Review Act.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-349. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
6-257	Department of Education Private Driver Training Schools	12/17/98

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-350. Filed for public inspection February 27, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for Plan Approval of a Mutual-To-Stock Conversion

Pennsylvania Millers Mutual Insurance Company, a Pennsylvania domiciled mutual fire insurance company, has submitted a Plan of Conversion which provides for conversion from a mutual fire insurance company to a stock fire insurance company and for the formation of a mutual holding company. The filing was made under the Mutual-to-Stock Conversion Act (40 P. S. § 911-A et seq.).

Interested persons wishing to comment on the filing whether on grounds of public or private interest are invited to submit written comments to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the person submitting the comment, identification of the filing to which the comment is addressed, and a concise statement in sufficient detail to inform the Insurance Department of the nature of the comment. Written com-

ments should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, faxX (717) 787-8557, or on the Internet using <http://www.csmith@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-351. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Rate Filing; Coal Mine Compensation Rating Bureau of Pennsylvania; Workers' Compensation Loss Cost Filing

On February 13, 1998, the Insurance Department received from the Coal Mine Compensation Rating Bureau of Pennsylvania a correction to their January 14, 1998 filing. The Bureau's correction in the calculation of the Experience Rating Off-Balance factor amends their requested overall 5.8% decrease which included loss based assessments to an overall 7.4% decrease.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Questions and comments should be directed to Chuck Romberger, CPCU, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-352. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Dominic Branca; file no. 97-265-37411; Allstate Insurance Company; doc. no. PH98-02-006; March 24, 1998, at 11 a.m.;

Appeal of Dr. Leon J. Weiner; file no. 97-265-37503; Allstate Insurance Company; doc. no. PH98-02-007; March 24, 1998, at 1 p.m.;

Appeal of Mr. & Mrs. John V. Hardy, Jr.; file no. 97-215-37477; Erie Insurance Exchange; doc. no. PH98-02-008; March 26, 1998, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings,

witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-353. Filed for public inspection February 27, 1998, 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 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Group; file no. 97-308-72962; Helena A. Persinger; doc. no. PI98-02-010; March 26, 1998, at 1 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).

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 partici

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-354. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Shelley and Ralph Koger; file no. 97-303-72889; Keystone Insurance Company; doc. no. P198-02-009; March 19, 1998, at 1 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 procedure). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-355. Filed for public inspection February 27, 1998, 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 Liberty Mutual Insurance Co.; file no. 98-303-70043; Frederick L. and Delores Fletcher; doc. no. P198-02-011; March 25, 1998, at 1 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 procedure). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-356. Filed for public inspection February 27, 1998, 9:00 a.m.]

## NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

### Apprentice Pilot Applications

The Navigation Commission (Commission) for the Delaware River and its Navigable Tributaries announces that it will accept apprentice pilot applications through April 15, 1998. The Commission intends to appoint seven apprentice pilots in 1998.

Interested persons may obtain application forms and information materials by writing the Commission at 302 North Office Building, Harrisburg, PA 17120 or by calling the Commission at (717) 787-6458. Person who previously had an apprentice pilot application on file with the

Commission must file a new application in order to be considered for appointment as an apprentice pilot.

YVETTE KANE,  
Chairperson

[Pa.B. Doc. No. 98-357. Filed for public inspection February 27, 1998, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

[OFFICIAL OPINION NO. 98-1]

### Board of Pardons; Composition and Term of Board Members

February 6, 1998

Honorable Mark S. Schweiker  
Lieutenant Governor  
200 Main Capitol Building  
Harrisburg, Pennsylvania

Dear Lieutenant Governor Schweiker:

You have requested my opinion with respect to the following two questions relevant to the changes in the composition of the Board of Pardons brought about by the amendment of Article IV, Section 9(b) of the Pennsylvania Constitution approved by the voters at the recent November election:

(1) Does the amendment repeal the provision of Section 403 of the Administrative Code that staggers the six-year terms of the three Board members appointed by the Governor?

(2) Does the amendment disqualify the penologist member of the Board, whose six-year term expires on November 30, 1999, from serving the balance of his term?

The amendment of Section 9(b) to change the composition of the Board of Pardons was part of a broader amendment of Article IV, Section 9, which, in addition, amended Section 9(a) to require a unanimous recommendation of the Board before the Governor can pardon or commute the sentence of an individual sentenced to death or life imprisonment, and which further amended Section 9(b) to require only a majority vote of the Senate to approve the Governor's appointments to the Board.

#### I. Staggered Terms

Article IV, Section 9(b) provides that the Board of Pardons shall consist of the Lieutenant Governor, who shall serve as chairman, the Attorney General, and three members appointed by the Governor, with Senate consent, for terms of six years. Before the recent amendment, Section 9(b) provided that the three members appointed by the Governor shall be respectively a member of the bar, a penologist, and a doctor of medicine, psychiatrist, or psychologist. Following the amendment, Section 9(b) provides that the three members appointed by the Governor shall be respectively a crime victim, a corrections expert, and a doctor of medicine, psychiatrist, or psychologist.

Section 403 of The Administrative Code of 1929, 71 P.S. § 113, prescribes the composition of the Board of Pardons in language that parallels the language of Article IV, Section 9(b). Section 403 provides additionally that the six-year terms served by members of the Board

appointed by the Governor are to be staggered, with appointments made one every two years.

Section 403 was amended by the Act of June 1, 1995, P.L. 1017, No. 15 (Spec. Sess. No. 1) ("Act 15"), to conform its provisions to those of Joint Resolution No. 1995-1 (Spec. Sess. No. 1) passed on April 25, 1995, which first proposed the amendment of Article IV, Section 9(b) that the voters approved in November. Act 15 preserved the staggered terms provision of Section 403.

"It is an established principle that existing statutes not expressly or impliedly repealed by the Constitution remain in full force and effect." *Township of East Rockhill v. Borough of Perkasio*, 3 Pa. Cmwlth. 36, 47 (1971) (citations omitted). Furthermore, "the Constitution is not to be construed as an abrogation of existing laws, unless the intent is too clear to be mistaken . . ." *In re Georges Township School Directors*, 286 Pa. 129, 135 (1926), quoting White on the Constitution, 21.

The recent amendment of Article IV, Section 9(b) does not, by its terms, repeal Section 403; nor, in my judgment, does it do so by implication. There is no inherent conflict between the language of the Constitution and the language of the statute; the former provides for six-year terms while the latter provides that such terms shall be staggered. That Act 15 preserved the staggered terms provision strongly suggests that the General Assembly was not proposing to the voters that the Constitution should require that Board members appointed by the Governor serve coincident terms. At a minimum, such history belies a finding of clear constitutional intent to abrogate the provision for staggered terms.

Accordingly, it is my opinion, and you are so advised, that the recent amendment of Article IV, Section 9(b) of the Pennsylvania Constitution does not repeal the provision of Section 403 of the Administrative Code that staggers the six-year terms of members of the Board of Pardons appointed by the Governor.

#### II. The Penologist

The amended Article IV, Section 9(b) requires that the Governor appoint a crime victim and a corrections expert to the Board, rather than an attorney and a penologist. The term of the incumbent attorney member expired on November 30, 1997. The term of the incumbent penologist member does not expire until November 30, 1999. While the penologist may be qualified also as a corrections expert, I conclude that he is entitled to complete his term of office regardless.

In *Suermann v. Hadley* 327 Pa. 190, 198 (1937), the Court observed that "[t]he Legislature may change an 'appointive power' but in doing so, generally speaking, it acts prospectively . . ." Although the Court's statement was concerned with statutory rather than constitutional interpretation, "[t]he established rules of construction applicable to statutes apply also in the construction of a Constitution," *Booth & Flinn v. Miller*, 237 Pa. 297 (1912), and the applicable rule of constitutional interpretation, in any event, presumes that "[c]onstitutional provisions operate prospectively . . . unless the language used or the purpose of the provision indicates that [retrospective] operation was intended." *Township of East Rockhill, supra*, 3 Pa. Cmwlth. at 49, citing *Perkins v. Slack*, 86 Pa. 270 (1878).

The *Suermann* case is instructive since it invalidated a statutory provision that purported to remove from office the incumbent members of a municipal board, as part of a statutory reorganization of the board that changed its functions and duties and prescribed new qualifications for

board members. In the Court's analysis, the validity of the removal provision turned on whether the reorganization of the board was "of sufficient moment to sustain a finding of legislative intent to abolish the offices affected and to oust the incumbents as an incident thereof. . . ." *Suermann, supra*, 327 Pa. at 194. For a reorganization to require the abolition of prevailing offices, the Court observed, "the intent to wipe out the old structure must be clearly apparent." *Id.* at 197.

Curiously, the Court declined even to consider the character of the changes to the affected board, emphasizing instead that "[n]owhere does the [act reorganizing the board] in terms abolish the office of members of the Board. . . ." *Id.* at 197. The Court proceeded to hold that:

As the act did not, in terms, abolish the offices of the old members, the provisions for appointment of new members must be construed to be prospective. The old members will therefore, continue in their offices until the expiration of the terms for which they were appointed. . . .

*Id.*

Clearly, the amendment of Article IV, Section 9(b) did not "in terms" abolish the office of members of the Board of Pardons. On the contrary, it merely changed the qualifications for office of two of the three members appointed by the Governor. Nor, moreover, can it be said that the totality of changes in the Board's operation and the appointment and qualifications of its members brought about by the amendment of Article IV, Section 9, are "of sufficient moment" to evidence an intent to "wipe out the old structure" of the Board or otherwise to abolish the office of any of its members.

Accordingly, it is my opinion, and you are so advised, that the recent amendment of Article IV, Section 9(b) of the Pennsylvania Constitution does not disqualify the incumbent member appointed as a penologist from serving the balance of his six-year term.

Finally, you are advised that, in accordance with Section 204(a)(1) of the Commonwealth Attorneys Act, 71 P. S. § 732-204(a)(1), you are required to follow the advice set forth in this Opinion and shall not in any way be liable for doing so.

D. MICHAEL FISHER,  
*Attorney General*

[Pa.B. Doc. No. 98-358. Filed for public inspection February 27, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad  
With Hearing

**I-00970070. National Railroad Passenger Corporation. Investigation upon the Commission's Own Motion.** To determine the condition, disposition and responsibility for maintenance of the existing crossing structure carrying Lloyd Street above-the-grade of the tracks of National Railroad Passenger Corporation in the City of Chester, Delaware County, (AAR 540 958 N).

An initial hearing on this matter will be held Tuesday, April 7, 1998, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-359. Filed for public inspection February 27, 1998, 9:00 a.m.]

Railroad  
With Hearing

**I-00970069. Reading, Blue Mountain and Northern Railroad Company. Investigation upon the Commission's Own Motion.** To determine the condition, disposition and responsibility for maintenance of the existing crossing structure carrying Mary Street (T-439) above-the-grade of the track of the Reading, Blue Mountain and Northern Railroad Company in Fairview Township, Luzerne County (AAR 361 417 S).

An initial hearing on this matter will be held Tuesday, April 14, 1998, at 10 a.m. in Room 318, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-360. Filed for public inspection February 27, 1998, 9:00 a.m.]

Railroad  
With Hearing

**C-00970524. Tom and Bella Nomack v. Consolidated Rail Corporation, Department of Transportation, Pike County and Lackawaxen Township.** A complaint has been made to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Code. The complainants state that the private crossing near mile marker 115.45 in the Village of Mast Hope, Lackawaxen Township, Pike County, is being used by an increasing number of guests of a resort and camping facility on both the east and west side of the Conrail right of way and crossing. Complainants state that the crossing doesn't have needed safety features. Complainants state the need for safety measures such as crossbucks, safety lights and gates, and fencing.

An initial hearing on this matter will be held Wednesday, April 22, 1998, at 10 a.m. in Room 318, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-361. Filed for public inspection February 27, 1998, 9:00 a.m.]

**Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 23, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the right and privilege to partially discontinue/abandon operating as common carriers by motor vehicle for the transportation of household goods in use as described under each application.**

**A-00100948, F. 1, Am-R. Pittsburgh-Fayette Express, Inc.** (Fourth & Main Streets, Belle Vermin, Fayette County, PA 15012), corporation of the Commonwealth of Pennsylvania—partial discontinuance of service—as a Class B carrier, household goods, in use, between points in the borough of Masontown, Fayette County, and within an airline distance of 3 miles of the limits of said borough.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods in use as described under each application.**

**A-00086452, F. 2, Am-H. The Snyder Brothers Moving, Inc., t/d/b/a George Transportation Company** (729 West New Castle Street, Zelenople, Butler County, PA 16063), a corporation of the Commonwealth of Pennsylvania—household goods in use, from points in the county of Butler, to points in Pennsylvania, and vice versa: *so as to permit* the transportation of household goods in use between points in the county of Butler. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Motor Carrier Applications—  
Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before March 16, 1998.

A-00114658	Geoffrey C. Sotak, t/a Geoffs Towing Service 1957 Rt. 212, Quakertown, PA 18951
A-00114659	Christopher D. Smith 78 Main Street, Yorkanna, PA 17402-8202
A-00114660	John M. Eichenlaub, t/a Brave Construction P. O. Box 149 Allison Park, PA 15101

A-00114661	Joseph G. and James J. Sheperd, Copartners 1104 Scranton Street, Clarks Summit, PA 18411
A-00114662	Scott Hatfield, t/a Hatfield Modular 1082 Banetown Road, Washington, PA 15301
A-00114663	James D. Roth 1702 Bloom Road, Danville, PA 17821
A-00114664	Robert Rufrano, Jr. 299 E. Oregon Road, Lititz, PA 17543
A-00114665	TDF Services, Inc. 109 Dark Hollow Road, Oakmont, PA 15139
A-00114669	JT Excavating and Hauling, Inc. R. D. 2, Box 541, Waltz's Mills Rd., Ruffsdale, PA 15679

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. M.L.L. Tours, Inc., t/d/b/a Mary's "Little Lambs" Tours; Doc. No. A-00106442C98 F. 2.*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That M.L.L. Tours, Inc., t/d/b/a Mary's "Little Lambs" Tours, respondent, maintains a principal place of business at R. D. 1, Box 34, Clarion, PA 16214.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00106442, F. 2.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by M.L.L. Tours, Inc., t/d/b/a Mary's "Little Lambs" Tours at Docket No. A-00106442, F. 2, for failure to maintain current evidence of insurance on file with the Commission or

order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation  
and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Joseph W. Farrell

Date: \_\_\_\_\_

*Notice to Plead*

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Dehner Truck Lines, Inc.; Doc. No. A-00111363C9701.*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Dehner Truck Lines, Inc., respondent, maintains a principal place of business at 7070 South Pennsylvania Avenue, Morrisville, PA 19067.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00111363.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Dehner Truck Lines, Inc. at Docket No. A-00111363, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation  
and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Joseph W. Farrell

Date: \_\_\_\_\_

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-362. Filed for public inspection February 27, 1998, 9:00 a.m.]



# STATE EMPLOYEES' RETIREMENT BOARD

## 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:

March 11, 1998	James L. Boone (Out-of-State Service)	1 p.m.
March 11, 1998	Khervin D. Smith (Mandatory payment of contribution to purchase multiple service)	2:30 p.m.
March 25, 1998	Charles T. Allesie Sr. (Military Service)	1 p.m.
April 1, 1998	Susanne Bargel (Losses in Processing of Rollover)	1 p.m.
April 8, 1998	Brenda J. Anderson (Disability)	1 p.m.
April 9, 1998	Douglas Brooks (Request for Account refund)	1 p.m.
April 15, 1998	Yanina Carter (SERS Membership)	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. 98-363. Filed for public inspection February 27, 1998, 9:00 a.m.]

# TREASURY DEPARTMENT

## Request for Proposals

The Treasury Department of the Commonwealth of Pennsylvania is reissuing a proposal to provide coin appraiser services for the Bureau of Unclaimed Property. The terms of the RFP have changed. Interested parties may receive a copy of the request for proposals by contacting the Treasury Department at (717) 772-3296. Proposals in response to this request will be accepted no

later than 12 noon on Tuesday, March 31, 1998. Late proposals will not be considered.

BARBARA HAFER,  
*State Treasurer*

[Pa.B. Doc. No. 98-364. Filed for public inspection February 27, 1998, 9:00 a.m.]

## Request for Proposals

The Treasury Department of the Commonwealth of Pennsylvania is reissuing a proposal to provide gemology services for the Bureau of Unclaimed Property. The terms of the RFP have changed. Interested parties may receive a copy of the request for proposals by contacting the Treasury Department at (717) 772-3296. Proposals in response to this request will be accepted no later than 12 noon on Tuesday, March 31, 1998. Late proposals will not be considered.

BARBARA HAFER,  
*Treasurer*

[Pa.B. Doc. No. 98-365. Filed for public inspection February 27, 1998, 9:00 a.m.]

# TURNPIKE COMMISSION

## Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 98-024-RQ12**—Bridge drainage downspouting repairs per structure NB-525, M. P. A-54.27 on the northeast extension carrying the Turnpike over the Lehigh River in Parryville Borough, Carbon Co., PA

*Bid Opening Date*—March 31, 1998, 11 a.m.

*Bid Surety*—5%

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set (Do not add State Tax) by check or P. O. Money Order (no cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No Refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-366. Filed for public inspection February 27, 1998, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**8172990** Metal bars, sheets and shapes—30,849 lbs. 11-W14X82 stringers 28' 6 3/4" lg; 10 intermediate diaphragms C10X25X2' 1 1/4" lg; 20 connector plates 1/2" x 7 1/2" x 1' 0.1/2" (cut) 32 GE post bracket plates 3/8" x 8"x 9 3/4"; 16 W10X33 GR beam bracket 11" lg; 16 W8X24 structure MTD GR post 4' 0" lg; 16 W6x9 GR offset bracket 1' 1" lg; 22 bearing masonry plate 10" 1' 2" x 3/4"; 22 bearing sole plate 8" x 1' 0" x 2"; 22 each 7/8" diameter threaded anchor bolts, 1' 0" lg w/hex-nuts and washers; 208 each 7/8" diameter ASTM A325 bolts, 2 1/4" lg w/hex nut and washers.

**Department:** Transportation  
**Location:** Bedford, Bedford County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1746237** Agricultural supplies—381 bags 0-10-40 fertilizer, granular; 2,913 bags 10-20-20 granular; 544 0-20-02 granular; 334 bags 0-15-30 granular.

**Department:** Game Commission  
**Location:** Jersey Shore  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1737217** Cabinets—30 each wall cabinet 36" x 20" x 12" Ref. No. W3630; 2 each wall cabinets 48" x 30" x 12" Ref. No. W4830; 1 each wall cabinet 24" x 30" x 12" Ref. No. W2430; 1 each wall cabinet 9" x 30" x 12" Ref. No. W0930; 8 each base cabinet sink base Ref. SB48; 1 each base cabinet 48" Ref. No. B48; 8 each base cabinet 36" Ref. B36; 1 each base cabinet 24" four drawer Ref. DB24; 8 carton veneer end panels wall panel 3/16" x 11 1/4" x 30" Ref. EP1130; 8 carton veneer panels base panel 3/16" x 23" x 35" Ref. EP2335.

**Department:** Public Welfare  
**Location:** Danville, Montour County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**7313980** Commercial carpet—1,000 sq. yards Lee Discovery; 1,000 sq. yard Lee's Workforce, Vitality Check-Up; 250 sq. yards Lees Wayfinder; 2,000 sq. yards Lees Workforce w/cushion back; or approved equal.

**Department:** Liquor Control Board  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1697227** Construction and building materials—1,470 sq. yard paving—ID-2 (1" wearing course and tack coat); 17,950 sq. yard paving ID-2 (2" binder and 1" wearing course); 1,474 sq. yard paving ID-S (7" binders and 1" wearing course); 1,474 sq. yard paving ID-S (7" binders and 1" wearing course); 700 sq. yard stone base: remove existing soil and install 6" compacted stone base.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**9169210** Containers, packaging and packing supplies—1 each tank, paint.

**Department:** Transportation  
**Location:** Scranton, Lackawanna County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8504220** Engines, turbines and components—700 each motor. Hydraulic Spinner.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1705357** Laboratory instruments and equipment—1 each Teco 48C carbon monoxide analyzer.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1729047** Laboratory instruments and equipment—1 each furnish and install a Steris Corporation Eagle Century Scientific Series electric steam sterilizer w/stage 4 control and loading rack and two shelves for the sterilizer.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8172670** Metal bars, sheets and shapes—16,750 lbs. fabricated structural steel and bolts (hot dipped galvanized); 29 each 7/8" diameter threaded anchor bolts, 1' 0" lg w/hex nut and washers; 56 each 7/8" diameter ASTM A325 bolts, 2 1/4" long w/hex nut and washers.

**Department:** Transportation  
**Location:** Bedford, Bedford County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8202070** Metal bars, sheets and shapes—30,025 lbs. 9-W18x71 stringers 38' 4" lg; 8-C12X25 interior diaphragms 2"—8" lg; 16 connection plates 1/2" x 7 1/2" x 1' 4 7/8" lg; 44 post bracket plates 3/8" x 6 1/2" x 1 1/4" lg; 22 W12X26 beam post bracket 1' 1 1/4" lg; 22 W8x24 structure mounted GR posts 4' 3" lg; 22 W6x8.5 GR offset brackets 1' 1" lg; 18 bearing masonry plates 10" x 1' 0x3/4"; 18 bearing sole plates 8" x 10" x 2"; 648 each 3/4" diameter x 4" stud shear connectors; 44 each 7/8" diameter threaded anchor bolts 1' 0" lg w/hex nut and washer; 272 each 7/8" diameter ASTM A325 bolts, 2 1/4" lg w/hex nut and washers.

**Department:** Transportation  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8504280** Paper and printing—97,000M reflective windshield inspection devices annual color red; 500M semi-annual inside color yellow; 4,200M emission color purple; windshield inspection devices Spec. D-38 9,700 annual inside color yellow; 500M semi-annual color yellow; 4,200M emission color purple; Spec. D-39 9,700M annual inside color red; 500M semi-annual inside color yellow; 4,200M emission color purple.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1743117** Steam plant and drying equipment—1 lot furnish one Aerco Semi-Instantaneous Model B+041/1.25/E hot water heater as manufactured by Aercon International, Inc.

**Department:** Corrections  
**Location:** Muncy, Lycoming County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1652117** Textiles—75,000 yards poplin as per PCID No. 1019, width 60", color snow white (Pantone color 11-0602TP).

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1690117** Textiles—75,000 sq. ft. leather; quarter line splits smooth finish known as Grade No. 1.

**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

## SERVICES

### Audio/Video—04

**98-C00001** The Department of Corrections has need for cellular air time service for its Department-owned cellular telephones. This will include both airtime and maintenance services.

**Department:** Corrections  
**Location:** P. O. Box 598, 2520 Lisburn Road, Camp Hill, PA 17001-0598  
**Duration:** 1—3 years  
**Contact:** Patricia J. Cassell, (717) 975-4999

### Computer Related Services—08

**34** For installation of subpanels for computer circuits on the 2nd floor of Building 8 and Building 10.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**SP-330620** Provide data reduction services which are required for the Food Stamp Reconciliation process.

**Department:** Public Welfare  
**Location:** Room 32A Willow Oak Building, Harrisburg State Hospital, Harrisburg, PA 17105  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Kathy A. King-McCarthy, (717) 772-7119

### Construction—09

**32** Construction of a roadway around the Security Building to the parking lot located at the Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**CRE-0222** 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, Onsite 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, 1998 to June 30, 1998 (approximate)  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, ext. 166

**Contract No. DGS 948-36 Phase 2** Project title: Waterproofing on Main Capitol Building (Exterior Masonry Restoration/Cleaning and Window Work). Brief description: Exterior masonry restoration and cleaning work. Restoration of exterior side and painting of wood windows. General construction. Plans deposit: \$90 per set. Payable to: Perfido Weiskopf Architects/Graves Architects/Noble Preservation (Joint Venture). Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Perfido Weiskopf Architects/Graves Architects/Noble Preservation (Joint Venture), 408 Boulevard of the Allies, Pittsburgh, PA 15219, (412) 391-2884. Bid date: Wednesday, March 18, 1998 at 2 p.m. A prebid conference has been scheduled for the subject project on Tuesday, March 3, 1998 at 10 a.m. in the Department of General Services Corporate Board Room, Arsenal Building, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Joseph Chaffin, (412) 391-2884. All contractors who have secured plans and specifications are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Main Capitol Building, Harrisburg, Dauphin County, PA  
**Duration:** 579 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS A 1576-8** Project title: Repair Roadways. Brief description: Repair and overlay bituminous roads and parking lots. Miscellaneous construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. 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 requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125, (717) 787-3923. Bid date: Wednesday, March 11, 1998 at 1 p.m.

**Department:** General Services  
**Location:** State Correctional Institution, Frackville, Schuylkill County, PA  
**Duration:** 105 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS 1579-2** Project title: Life Safety Code Improvements. Brief description: Work consists of concrete and masonry additions, elevator, windows, fence, architectural precast, structural steel, roofing, insulation, doors and hardware, interior finishes, toilet partition, heating, ventilating and air conditioning, plumbing and electrical work throughout six buildings. General, HVAC, plumbing and electrical construction. Plans deposit: \$100 per set. Payable to: Evans/Salata Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Evans/Salata Architects, 900 State Street, Suite 100, Erie, PA 16501, (814) 454-6379. Bid date: Wednesday, March 18, 1998 at 11 a.m. A prebid conference has been scheduled for Wednesday, March 4, 1998 at 10 a.m. at the State Correctional Institution, Main Entrance, Cambridge Springs, PA. Contact: Robert Allen, (814) 398-5400. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** State Correctional Institution, Cambridge Springs, Crawford County, PA  
**Duration:** 330 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS 1579-2 Rebid** Project title: Life Safety Code Improvements. Brief description: Work consists of concrete and masonry additions, elevator, windows, fence, architectural precast, structural steel, roofing, insulation, doors and hardware, interior finishes, toilet partition, heating, ventilating and air conditioning, plumbing and electrical work throughout six buildings. General, HVAC, plumbing and electrical construction. Plans deposit: \$100 per set. Payable to: Evans/Salata Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Evans/Salata Architects, 900 State Street, Suite 100, Erie, PA 16501, (814) 454-6379. Bid date: Wednesday, March 25, 1998 at 11 a.m. A prebid conference has been scheduled for Tuesday, March 3, 1998 at 10 a.m. at the State Correctional Institution, Main Entrance, Cambridge Springs, PA. Contact: Robert Allen, (814) 398-5400. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** State Correctional Institution, Cambridge Springs, Crawford County, PA  
**Duration:** 330 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**ESU 405-473A** ESU is accepting bids on ESU 405-437A Phase I—Inter building fiber and telephone cabling, campus data and telephone wiring project. Electrical construction est. SXX. Provide fiber optic, phone and EMS, and LAN copper cabling between specified campus buildings and associated work. Bid specs from Leung Hemmler Camayd, 305 Linden Street, Scranton, PA 18503, (717) 961-1302 at a nonrefundable fee of \$50. Prebid conference on March 12, 1998. Bid opening April 7, 1998. For special accommodations and exact locations call Ann Zaffuto at (717) 422-3595. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 120 days ANP  
**Contact:** Leung Hemmler Camayd, (717) 961-1302

**ESU 405-492** ESU is accepting bids on ESU 405-492 renovate main entry and other entry doors, Dansbury Commons. General construction Est. \$125K. Removal and replacement of existing exterior and interior doors, frames, hardware and storefront system; concrete entrance work and associated entry work. Bid Specs from RKR Hess Assoc., 112 N. Courtland Street, East Stroudsburg, PA 18301, (717) 421-0421; nonrefundable fee of \$55. Prebid conference on March 11, 1998, bid opening April 2, 1998. For special accommodations and exact locations call Ann Zaffuto at (717) 422-3595. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 150 days ANP  
**Contact:** RKR Hess Associates, (717) 421-0421

**Contract No. FDC-216-357** Erosion and sedimentation control measures; replace existing manholes; open trench pipe replacement (6" and 8"—52 l. f.); trenchless pipe replacement (6" and 8"—4,156 l. f.); pave disturbed roadway areas (25 s. f.); One new 30-inch water tight manhole frame and cover; reset five existing manhole frames and covers; televising of system (4,198 l. f.); point repairs of line and/or laterals; chemical grout injection (6 gallons); and concrete repair (300 c. f.). Work is at Yellow Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Cherry Hill and Brush Townships, Indiana County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-429-379** Removal and replacement of wood siding on six buildings; rebuilding louver doors; repairing/rebuilding stockade fence; metal flashing/sheeting; staining and painting; and caulking/sealing. All work is located at Lackawanna State Park.

**Department:** Conservation and Natural Resources  
**Location:** North Abington Township, Lackawanna County, PA  
**Duration:** September 7, 1998 to November 30, 1998  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-117-417** Dewatering; removal of existing sluice gate assembly; provide and install a new sluice gate assembly for the dam at Parker Dam State Park.

**Department:** Conservation and Natural Resources  
**Location:** Huston Township, Clearfield County, PA  
**Duration:** 180 days  
**Contact:** Construction Management Section, (717) 787-5055

**IN-744** New entryway, McCarthy consisting of removing existing walls, lights, switches, and the like, to furnish and install new walls, lights, switches, and the like. Notice to Contractors may be requested from IUP. Phone: (724) 357-2289 Fax: (724) 357-6480 Internet: <http://www.iup.edu/phyfac>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4852

**SPC No. 323126** Install 50 broad-based dips and spread approximately 660 feet of road surface with limestone surface material, crown, grade and ditch road at specified locations, on Huling Branch Road to control erosion, sedimentation and runoff.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Sproul No. 10, Sproul State Forest, PA  
**Duration:** May 29, 1998  
**Contact:** Robert S. Fitterling, (717) 923-6011

## Engineering Services—14

**08430AG2162** Open-end contract to provide supplementary construction staff to perform construction inspection services in Engineering District 3-0, that is Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga, Union and Bradford Counties.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2163** Retain an engineering firm to provide supplementary construction inspection staff of approximately 15 inspectors, under the Department's Inspector-In-Charge, for construction inspection and documentation services for S. R. 0219, Section 018, Somerset County and S. R. 0219, Section 019, Somerset and Cambria Counties.

**Department:** Transportation  
**Location:** Engineering District 9-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2164** To provide for preliminary design work and environmental studies for the Church Street Bridge over the Lackawanna River in Honesdale Borough, Wayne County.

**Department:** Transportation  
**Location:** Engineering District 4-0  
**Duration:** Twelve (12) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Environmental Maintenance Services—15

**BF 373-101.1** Abandoned Mine Land Reclamation, Dupont Anthracite, Inc. involves an estimated 117,000 c. y. of grading, 695 s. y. of rock lining w/filter material, 15.2 acres of seeding, 4,000 c. y. of soil cover and 760 c. y. of ditch excavation.

**Department:** Environmental Protection  
**Location:** Taylor, Lackawanna County, PA  
**Duration:** 365 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**BF 380-101.1** Abandoned Mine Land Reclamation, West Penn Coal and Construction Co. involves an estimated 367,000 c. y. of grading, 53 acres of seeding, 1.5 acres of selective grading and dewatering impoundments.

**Department:** Environmental Protection  
**Location:** Stewart Township, Fayette County, PA  
**Duration:** 360 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**BF 400-101.1** Abandoned Mine Land Reclamation, Earnest C. Dean Contractor, Inc. involves an estimated 1,425 c. y. of grading, 670 s. y. of rock lining w/filter material, 650 l. f. of rock lining without filter material, and 28 acres of seeding.

**Department:** Environmental Protection  
**Location:** Porter Township, Clarion County, PA  
**Duration:** 210 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**BF407-101.1** Abandoned Mine Land Reclamation, Brothers Valley Company involves an estimated 3,550 c. y. of grading, 350 s. y. of rock lining w/filter material and 48.5 acres of seeding.

**Department:** Environmental Protection  
**Location:** Shade Township, Somerset County, PA  
**Duration:** 210 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**C11:26-101.15** St. Clair Subsurface Exploration, involves approximately 120 l. f. of overburden drilling and sampling, and 50 l. f. of rock coring.

**Department:** Environmental Protection  
**Location:** Johnstown, Cambria County, PA  
**Duration:** 30 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**HSCP 5-013-101.1** Soil Remediation, H. K. Porter Drum Dump Site, involves approximately 37,000 tons of TSCA waste and 150 tons of residual waste for excavation and off-site disposal, 8,500 c. y. of excavation, backfilling and grading, 4 acres of revegetation and 1.3 acres of wetlands restoration. A prebid conference is scheduled for March 16, 1998, 10 a.m. at the Department of Environmental Protection's Southwest Regional Office, 500 Waterfront Drive, Pittsburgh, PA. Bidder attendance at the prebid conference is mandatory. Failure to attend the prebid conference will be cause for rejection of the bid.

**Department:** Environmental Protection  
**Location:** Hopewell Township, Beaver County, PA  
**Duration:** 550 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

## Firefighting Services—18

**Inquiry No. 8982** Maintenance and repair of electronic fire alarm system.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, FOB State Agency, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**MAI-1293A** Contractor to supply labor and parts for maintenance and servicing of the Cerberus Pytronics MXL fire alarm system at the State Correctional Institution at Albion.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** April 1, 1998 through March 31, 2000  
**Contact:** Lesley S. Hill, Purchasing Agent II, (814) 756-5778

## Food—19

**98-010** Milk 2%—1/2 pint containers approximately 5,000 containers. Milk 2%—5 gallon container for dispenser unit approximately 650 units. Chocolate milk 1%—5 gallon container for dispenser unit approximately 300 units. Butter/margarine—30 lbs. unit approximately 7,800 lbs. Cottage cheese—5 lb. containers approximately 240 lbs. Cream cheese—3 lb unit approximately 200 lbs. Delivery will be weekly.

**Department:** Corrections  
**Location:** Training Academy, 1451 North Market Street, Elizabethtown, PA 17022-1299  
**Duration:** July 1, 1998—June 30, 1999  
**Contact:** Ruth Nagy, (717) 367-9070

**98-011** The contractor shall provide weekly delivery of: bread—white loaf—1 lb no pork by-products; bread—wheat loaf—1 lb. no pork products; hamburger rolls; hot dog rolls; kaiser rolls; steak rolls.

**Department:** Corrections  
**Location:** Training Academy, 1451 North Market Street, Elizabethtown, PA 17022-1299  
**Duration:** July 1, 1998—June 30, 1999  
**Contact:** Ruth Nagy, (717) 367-9070

**4620-02** The Department of Transportation will solicit vending services for: Dauphin County, Sites 47 and 48. Items vended will be limited to nonperishables such as soda/juice, candy/snacks, ice cream, sandwiches and hot drinks. The vendor will be responsible for the installation, stocking and maintenance of a minimum of five vending machines. General liability insurance will be required. Contracts will be awarded to the highest monthly fee bid to the Department of Transportation expressed in lump sum bid form. Persons interested in obtaining a proposal to bid should contact the name listed within 10 days of this notice. Bid opening is March 13, 1998, Conference Room 7A, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg at 2 p.m.

**Department:** Transportation  
**Location:** Dauphin County, I-81 NB and SB, PA  
**Duration:** 1 year, 7 months per specifications and provisions  
**Contact:** LuAnn J. Shadle, (717) 787-0188

**C2500-98** Chicken fryers, ready-to-cook, split, 3 lb. average. Approximate monthly requirement—7,000 lbs. Bids and deliveries monthly. July 1998 through June 1999. To include any other poultry items required for this period.

**Department:** Corrections  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA 18612  
**Duration:** July 1998 through June 1999  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1011, ext. 325

**D2500-98** Dairy products, quarterly advertised. Monthly deliveries, dates established by the institution. Approximate monthly quantities as follows: American cheese—6,000 lbs.; oleomargarine—8,000 lbs. To include any other dairy product that may be required for this period.

**Department:** Corrections  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA 18612  
**Duration:** July 1998 through June 1999  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1011, ext. 325

**E2500-98** Eggs, white, Grade A, Medium, approximately 2,400 dozen will be required per delivery. Deliveries each on Tuesday, July, 1998 through June 1999. 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 1998 through June 1999  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1011, ext. 325

**F2500-98** Poultry products, to include turkey salami, turkey franks, turkey bologna, turkey roll, chicken croquettes and any other poultry product that may be required for this period. Quantities and deliveries to be determined by the institution. Bids to be advertised on a bimonthly basis.

**Department:** Corrections  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA 18612  
**Duration:** July 1998 through June 1999  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1011, ext. 325

**FL-2500-98** 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 18612  
**Duration:** July 1998 through June 1999  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1011, ext. 325

**FS-98-101** Soft Drink Supplies and Equipment. Equipment and supplies required for the dispensing of carbonated soft drink beverages, at the State Correctional Institution at Cresson—Dietary Department, for 3 fiscal years beginning July 1, 1998 and terminating June 30, 2001. Estimated requirements: Equipment: Three each refrigerated-type drink dispenser machines with six mixing valves for countertop installation, with high capacity carbonators. These dispensers are to have self-contained compressors. (Dispensers and compressors to be in the same unit and enclosed compressors). Vendor shall furnish, install, and maintain machines providing repair services as required 6 days per week at no additional cost to using agency. Note: Institution has the right to increase the amount of dispensing machines.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1998 to June 30, 2001 (3 years)  
**Contact:** Barbara A. Lloyd, Purchasing Agent II, (814) 886-8181, ext. 166

**P2500-98** Produce—Vegetables to be supplied in accordance with PA Spec. V-14. Fruits in accordance with PA Spec. F-46. Amounts are approximate monthly requirements. Deliveries on a weekly basis. Bids advertised from July, 1998 through June, 1999. To include any other produce items required for this period. Cabbage—3,000 lbs.; celery—48 ctns.; carrots—1,000 lbs.; peppers—30 bushels; mixed salad—100 boxes; lettuce—20 ctns.; apples—200 boxes; grapefruit—40 bx.; oranges—100 bx.; bananas—4,000 lbs.; and pears—100 bx.

**Department:** Corrections  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA  
**Duration:** As per delivery schedule—July 1998 through June, 1999  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1101, ext. 325

**PZ-2500-98** Cheese pizza, regular packed 54 6" x 4" pieces per box. 150 boxes per month. Bids to be advertised on a quarterly basis for deliveries from July, 1998 through June, 1999.

**Department:** Corrections  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA  
**Duration:** July 1998 through June, 1999  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1101, ext. 325

**S2500-98** Seafood, frozen. Bids will be advertised every other month, for deliveries from July, 1998 through June, 1999. Quantities as indicated are approximate bimonthly requirements. Batter dipped Whiting—6,000 lbs.; Cod, minced, breaded and fried—5,000 lbs.; clams, minced—360 lbs.; and any other seafood item that may be needed for this period.

**Department:** Corrections  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA  
**Duration:** July 1998 through June, 1999  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1101, ext. 325

**Fuel Related Services—20**

**33** For relocation of 2,000 gallon above ground gasoline storage tank from the inside of the security fence to outside the security fence located at the Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**Inquiry No. 8981** Remove four underground fuel storage tanks.  
**Department:** Public Welfare  
**Location:** FOB State Agency, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to December 31, 1998  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Project No. UST-161** Project title: Remove 29 UST's. Project description: Remove 29 underground fuel storage tanks and their appurtenances from 18 sites at various locations throughout the State. The work is located in the counties of Adams, Beaver, Cambria, Cameron, Clinton, Crawford, Erie, Forest, Lawrence, Luzerne, Mercer, Monroe, Perry, Sullivan, Venango, Warren and Westmoreland. Bid opening March 20, 1998.

**Department:** Game Commission  
**Location:** Various locations throughout this Commonwealth  
**Duration:** May 4, 1998 through August 14, 1998  
**Contact:** Engineering and Contract Management Division, (717) 787-9620

**SU-201E.6** Shippensburg University, Shippensburg Township, Cumberland County, PA, is seeking bids for fuel storage tank replacement at the steam plant. Brief description: Work included is to furnish, install, test and make ready for operation one new premanufactured, above ground concrete encased tank with outer steel shell and accessories; piped and connected to the steam plant and removal of two underground storage tanks and appurtenances, to include soil and water contamination cleanup as required. A prebid meeting with site visit immediately to follow will be held on Tuesday, March 10, 1998 at 10 a.m. in the Reed Operations Center Conference Room. Bids due: March 30, 1998 at 4 p.m. in Old Main 200. Bids will be publicly opened on March 31, 1998 at 2 a.m. in Old Main Room 203A.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA  
**Duration:** 90 days from date of notice to proceed  
**Contact:** Deborah K. Martin, Contract Administrator, (717) 532-1121

**HVAC—22**

**Project No. 409-FN** Lock Haven University of PA, of Pennsylvania's State System of Higher Education (SSHE) is seeking bids for general, mechanical/HVAC, plumbing and electrical construction for the renovation of the Smith Residence Hall, Project No. 409-FN. A prebid meeting will be held February 23, 1998 (1:30 p.m.) in Robinson Learning Center, Hall of Flags. Bids are due on March 10, 1998 (2 p.m.) and will be opened publicly on March 11, 1998 at 2 p.m. For further information, or to request contract documents at a nonrefundable fee of \$95, bidders can contact Paulette Rider of Comprehensive Design, 3054 Enterprise Drive, State College, PA 16801, (814) 238-7706. Prevailing wages, contract bonds and MBE/WBE participation apply. The System encourages responses from small firms, minority firms, women-owned firms and firms which may have not previously performed work for the System. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Lock Haven University, Smith Residence Hall, North Fairview Street, Lock Haven, PA 17745  
**Duration:** Substantial completion N.L.T. August 24, 1998  
**Contact:** Comprehensive Design A&E, (814) 238-7706

**Inquiry No. 8984** Replace electric feeder cable (approximately 1,300').

**Department:** Public Welfare  
**Location:** FOB State Agency, Selingsgrove Center, Selingsgrove, Snyder County, PA  
**Duration:** Indeterminate 1997-98  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**DLR 2951** The State Correctional Institution at Smithfield will be bidding a contract for the conversion of a 970 cubic foot infirmary cell into a negative pressure isolation cell. The contractor/vendor shall provide all materials, equipment and labor necessary to install a system to permit the ventilation of the infirmary cell located at the State Correctional Institution at Smithfield. In addition, the contractor/vendor shall be responsible for all duct work, fans, burglar bars on fans, backdraft damper, electrical wiring, sheet metal duct work and any other materials/equipment necessary to complete the project. All material and equipment is to match existing isolation cell to ensure commonality of parts, this provision will require a site visit.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** April 1998—June 30, 1998  
**Contact:** Donald Reihart, Facility Maintenance Manager, (814) 643-6520, ext. 320

**K-98033** Edinboro University is soliciting proposals for a campus-wide energy management system. This service requirement includes providing and installing new micro-processors and power metering, and connectivity with previously installed units to result in a peer to peer, networked, stand-alone, distributed control system. RFP/Specification package available for \$50, nonrefundable fee. Mail check payable to Edinboro University of PA to the Purchasing Office, 219 McNerney Hall, Edinboro, PA 16444. A preproposal conference will be held March 6, 1998, at 1:30 p.m. in the Construction Office, Earley Hall. Proposals are due by 2 p.m. on March 26, 1998.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Edinboro, PA 16444  
**Duration:** 90 days after notice to proceed  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

**K-98035** Edinboro University is soliciting bids for energy conservation measures in classrooms and office buildings. Includes work for conversion of electric boilers and heaters to gas-fired units. Bid package is available for \$50, nonrefundable fee. Mail check payable to Edinboro University of PA to the Purchasing Office, 219 McNerney Hall, Edinboro, PA 16444. A prebid conference will be held March 6, 1998, 9 a.m. in University Center, Room 100. Bids are due March 27, 1998 by 2 p.m.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Edinboro, PA 16444  
**Duration:** 120 days after notice to proceed  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

**SU-433D.4: Electrical Construction** Project title: Student Recreation Facilities—Electrical Power and Lighting. Work shall be completed at Shippensburg University, Shippensburg Township, Cumberland County, PA, and shall be accomplished by one Prime Electrical Contractor. The project shall include the furnishing of all labor, superintendence, material, tools, equipment and performing all work necessary to complete all construction of electrical power and lighting for the Student Recreation Facilities to include installing a sports field lighting system, electrical service and distribution, telecommunication raceways and security lighting. Prospective bidders may obtain project plans for a nonrefundable fee of \$20, made payable to Shippensburg University by contacting Deborah K. Martin, Contract Administrator, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257, (717) 532-1121 or fax (717) 530-4004. A prebid meeting with site visit immediately to follow will be held on Thursday, March 12, 1998 at 10 a.m. in the Reed Operations Center. Bids due: March 31, 1998 at 4 p.m. in Old Main Room 200. Bids will be opened on April 1, 1998 at 2 p.m. in Old Main Room OM203B.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Cumberland County, Shippensburg, PA  
**Duration:** 120 days from date of notice to proceed  
**Contact:** Deborah K. Martin, Contract Administrator, (717) 532-1121

**Laboratory Services—24**

**97-07-10 IFB** Provide all materials, transportation and laboratory interpretations necessary to allow the Sexually Transmitted Disease Program (STD) to perform Papanicolaou (PAP) tests on approximately 8,100 women (16,200 slides) attending STD clinics in Pennsylvania. Provide monthly, semiannual and annual summary reports of work performed. Bids must be received at the Division of Contracts, Room 824, Health and Welfare Building, Department of Health, Commonwealth and Forster Streets, Harrisburg, PA 17120.

**Department:** Health  
**Location:** Approximately 60 STD clinic sites in PA  
**Duration:** July, 1998 through June 2001—36 months  
**Contact:** STD Program—Susan L. Arrowsmith, (717) 787-3981

**Lodging/Meeting—27**

**OVR-1-98** Facility needed for 1-day meeting to hold 45th Annual Governor's Committee on Employment of People with Disabilities conference. Services needed include meeting space for 300 people, soda/coffee breaks, luncheon and audio/visual equipment. Overnight accommodations will be needed for approximately 60 people. Bid specifications will be sent to interested parties. Facility must be accessible to persons with disabilities in accordance with the Americans with Disabilities Act of 1990. Facility must be located in Chester, Montgomery or Philadelphia County and must be available either October 2, 6, 7, 8, or 9, 1998.

**Department:** Labor and Industry  
**Location:** Chester, Montgomery or Philadelphia County, PA  
**Duration:** October 2, 1998—October 9, 1998  
**Contact:** Sandy Pace, (717) 787-8504 or 1 (800) 442-6351

**Medical Services—29**

**98-4** The contractor shall provide repair services, parts and annual inspections to two complete dental clinics at the State Correctional Institution in Waymart. The institution will have the option of a 1-year renewal clause on this agreement.

**Department:** Corrections  
**Location:** State Correctional Institution Waymart, Route No. 6, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 2001  
**Contact:** Jerome M. Lewis, Business Manager, (717) 488-2504

**Inquiry No. 8977** Services: autopsies.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Inquiry No. 8978** Neurological services.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Inquiry No. 8979** Optometrist and eyeglass services: to include refractions and visual field examinations, referrals, as well as eyeglasses.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Inquiry No. 8980** Service dental equipment.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Inquiry No. 8983** Orthopedic services.

**Department:** Public Welfare  
**Location:** FOB State Agency, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1998 to June 30, 2003  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Inquiry No. 30228** Oral Surgery Services. Service Purchase Contract for oral surgery services covering period July 1, 1998 through June 30, 2001. This covers emergency office visits and various operative procedures that must be performed under deep anesthesia. Interested vendors to contact facility for details.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** July 1, 1998—June 30, 2001  
**Contact:** Ginny Stinespring, Purchasing Agent I, (724) 873-3256

**Inquiry No. 30229** Medical Monitoring for Asbestos. To procure medical services from a qualified provider for purpose of carry out examinations and obtaining a medical evaluation of the employee's ability to utilize respirator protective equipment and to occasionally work in an environment where exposure to low levels of asbestos fibers may occur. Services are to be provided within a 50 mile radius of the facility to insure that travel expenses incurred by the facility are reasonable. Interested vendors to contact facility for details.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** July 1, 1998—June 30, 2001  
**Contact:** Ginny Stinespring, Purchasing Agent I, (724) 873-3256

**Inquiry No. 113-0016B** Contractor to supply all equipment, material and labor necessary to furnish and install 1,500 gallon (oxygen) tank at Southwestern Veterans Center, and to refill as necessary. Specifications of contract are available upon request.

**Department:** Military and Veteran Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206-1297  
**Duration:** May 01, 1998 through April 30, 2002  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 665-6727

**H41975** Contractor shall provide registered nurses to the inmate population at the State Correctional Institution at Pittsburgh. Interested vendors can call Joan Delie, Corrections Health Care Administrator at (412) 761-1955, ext. 329 for more information.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 01, 1998 to June 30, 1999  
**Contact:** Ronald J. Dudek, (412) 761-1955

**Property Maintenance—33**

**35** To renovate ZB Cottage, 1st floor, located on the grounds of Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**36** To repaint the interior of a water tower located on the grounds of Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**23-6003029** North East Marina Sewage Plant Rebuild. Provide services to rebuild filter bed 1 of the sewage treatment plant at North East Marina, Erie County, PA. The job consists of removing the filter medium, 30 mil PVC liner and piping. The contractor will coat the inside of the block walls with a 1/8" coating of TAMMS SBC or approved equal troweled to a smooth finish. Replace the 3' horizontal and 2' vertical PVC dosing line; regrade the sand bedding to receive the liner; install a new 30 mil PVC liner with boots and water tight connections around both the dosing and drain lines. Install new gravel base and drain lines. Reconstruct the filter and install 2' PVC dosing line with supports. Contractor will dispose of all PVC pipe and liner materials.

**Department:** Fish and Boat Commission  
**Location:** North East Marina, Erie County, PA  
**Duration:** April through May, 1998  
**Contact:** Kathi Tibbott, (814) 359-5131

**23-6003029-A** North East Marina Dredging. Provide dredging services to remove sand and gravel deposits that have built up in the marina and channel at the North East Marina, Erie County, PA. The area cannot be dredged from shore and requires the use of waterbourne equipment.

**Department:** Fish and Boat Commission  
**Location:** North East Marina, Erie County, PA  
**Duration:** May, 1998  
**Contact:** Kathi Tibbott, (814) 359-5131

**WC 682** West Chester University of Pennsylvania of the State System of Higher Education is soliciting sealed bids for carpeting in the Sturzebecker Center. The project consists of removing the existing carpeting, strip the wax off the floor and patch the floor. Also, move and then replace the furniture and miscellaneous items. Install approximately 700 sq. yards of carpet. The work is to be completed in a phased process.

**Department:** State System of Higher Education  
**Location:** West Chester University, Sturzebecker Center, West Chester, PA  
**Duration:** 8 calendar days  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705



**Real Estate Services—35**

**01** Independent Fee Appraisers are to be solicited to prepare real estate appraisals for right-of-way damages in Montgomery and Chester County for 0202-403. Department policy requires that only fee bids from Commonwealth Prequalified Appraisers be considered.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** FY 97  
**Contact:** Bruce A. Hattersley, (610) 768-3013

**53A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Banking with 2,498 useable square feet of existing office space, in Berks/Schuylkill County, PA, with minimum parking for 20 vehicles, within a 10 mile radius of the Intersection of Exit 9 and I-78 (Route 61) and I-78. In areas where street or public parking is not available, an additional 30 parking spaces are required. Proposals due: April 6, 1998. Solicitation No.: 92632.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** John A. Hocker, (717) 787-4394

**54A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 26,132 useable square feet of new or existing office space with parking for 204 vehicles, in Dauphin County, PA within the following boundaries: Along or near US Route 22 beginning at the Intersection of Jonestown Road and Route 22 and extending to the Intersection of Route 22 and Route 39. Proposals due: April 20, 1998. Solicitation No.: 92631.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** John A. Hocker, (717) 787-4394

**010333** Provide machinery and equipment appraisals on various commercial, industrial and manufacturing type properties along State Routes 4034-A50 and 4034-A51 in Erie County, PA. Machinery and equipment appraisers must be listed on the Department's Prequalified Fee Appraiser Roster. PennDOT Engineering District 1-0, R/W Unit, 1140 Liberty Street, Franklin, PA 16323.

**Department:** Transportation  
**Location:** PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323  
**Duration:** March 02, 1998—March 01, 2003  
**Contact:** William R. Pixley, Chief Appraiser, (814) 437-4203

**Sanitation—36**

**061004** This work is for supplying a total of four 30 cubic yard roll-off dumpsters to PA Department of Transportation (Bucks County) Stockpiles at Doylestown, Trevose, Fallsington and West Rockhill. This work includes picking up the full containers on an on-call basis (approximately every 3 to 4 weeks), properly disposing of the trash and dropping off an empty container. The trash will include roadway debris, both bagged and loose, but will not include hazardous substances. The vendor must have an approved receiving site for the trash. There will be a separate contract for each stockpile.

**Department:** Transportation  
**Location:** Maintenance District 6-1  
**Duration:** April 1, 1998 to June 30, 1999  
**Contact:** Scott Bittner/Michael Trouts, (215) 345-6060

**SP-97-21** The contractor shall provide services for the pick-up and removal of municipal waste (garbage) at the State Correctional Institution at Coal Township.

**Department:** Corrections  
**Location:** State Correctional Institution Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** Three years from July 1, 1998—June 30, 2001  
**Contact:** Nancy A. Lasko, Purchasing Agent, (717) 644-7890, ext. 142

**Security Services—37**

**98-C00002** The Department of Corrections is seeking bids for secure prisoner transportation services.

**Department:** Corrections  
**Location:** 2520 Lisburn Road, Camp Hill, PA 17001-0598  
**Duration:** 1—3 years  
**Contact:** Patricia J. Cassell, (717) 975-4999

**Vehicle, Heavy Equipment—38**

**SP-330619** Remedial maintenance coverage for a 1,000 KW, 1,250 KW diesel generation to include semiannual inspections.

**Department:** Public Welfare  
**Location:** 787 Eisenhower Boulevard, Harrisburg, PA 17111  
**Duration:** July 01, 1998—June 30, 1999  
**Contact:** Russ Goheen, (717) 783-6322

**Miscellaneous—39**

**Inquiry No. 49** Establish a service agreement for repair, service and reconditioning of portable televisions and video cassette players/recorders. Copies of bid proposal can be obtained by contacting the purchasing department, fax (610) 740-3429.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 01, 1998 through June 30, 2002  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3428

**RFA 97-07-05** The Department of Health is issuing a Request for Application (RFA) to fund activities in two broad areas: (1) those that will further investigate the distribution and determinants of cancer; and (2) prevention, lifestyle behaviors and professional and public education. There are six initiatives for funding: prostate cancer, skin cancer, colorectal cancer, lung cancer, comprehensive Statewide approaches to cancer prevention, and other. Ten copies of the application shall be submitted to the Pennsylvania Department of Health, Division of Contracts, Room 824, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090 by 3 p.m. no later than April 3, 1998. Applications received after this time and date will not be considered. A preapplication conference will be held at the time and date specified in the cover letter.

**Department:** Health  
**Location:** Harrisburg, PA  
**Duration:** 3 years with optional 2 year renewal  
**Contact:** Nancy Shaffer, Cancer Control Program, (717) 787-5251

**HUN-318** Supplemental chaplaincy services—this position is to assist the Protestant Chaplain in religious duties within the institution. Approximately 10 hours per week. Details and specifications are on file in the purchasing department of the requesting agency.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** July 01, 1998 to June 30, 2001  
**Contact:** Gloria Morder, Purchasing Agent, (814) 643-2400, ext. 303

**ME 80033** The Pennsylvania Department of Education (PDE) is issuing a Request for Proposal (RFP) for a contractor to collect and maintain school level enrollment data for special education programs and services in the public schools including school districts, intermediate units, approved private schools, mutually agreed upon written arrangement (MAWA) agencies, charter schools and others. Contractor will compile and distribute reports and files to PDE and prepare procedural manuals and documentation of the data collection's methodologies. Completed proposals must be received no later than 3 p.m. on April 30, 1998. Proposals must be received by Nancy Heyman, PDE, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333. Questions can be directed to Nancy Heyman at this same address.

**Department:** Education

**Location:** Harrisburg, PA

**Duration:** Renewal option for 8 additional 1 year periods

**Contact:** Nancy C. Heyman, (717) 787-5745

[Pa.B. Doc. No. 98-367. Filed for public inspection February 27, 1998, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1488117-01	02/10/98	United Restaurant Equipment, Inc.	5,547.80
1397217-01	02/10/98	Monarch Mechanical, Inc.	13,365.00
1433207-01	02/10/98	Nucar Connection	91,561.52
1366227-02	02/10/98	Phillips Ford Sales	30,200.00
1366227-01	02/10/98	Griffin Motor Co.	190,503.00
1473117-01	02/10/98	Geneco Services, Inc.	50,290.63
8504200-01	02/10/98	Terre Hill Concrete Prod.	23,835.00
8234540-01	02/10/98	Phillips Ford Sales	39,400.00
1435207-01	02/12/98	Whiteside's of Cambridge, Inc.	112,686.00
1438207-01	02/12/98	Manheim Chrysler Plymouth	110,425.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1432207-01	02/12/98	Nucar Connection	108,483.34
1434207-01	02/12/98	Northeast Auto Outlet	106,073.10
1431207-01	02/12/98	Whiteside's of Cambridge, Inc.	118,580.00
1558137-01	02/13/98	F&F Industrial Equipment Corp.	13,975.40
1525117-01	02/13/98	Wepco, Inc.	19,722.00
6675-02	02/13/98	Leica Corp.	50,000.00
6675-02	02/13/98	Corvallis Micro Technology	100,000.00
6675-02	02/13/98	Anderson Instrument/Supply	50,000.00
6675-02	02/13/98	Trimble Navigation Limited	100,000.00

GARY E. CROWELL,  
*Secretary*

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