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Volume 26 (1996)

Pennsylvania Bulletin  
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## March 16, 1996 (Pages 1121-1254)

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# PENNSYLVANIA BULLETIN

Volume 26  
Saturday, March 16, 1996 • Harrisburg, Pa.  
Number 11  
Pages 1121—1254

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for Department of Transportation  
Enhanced Emissions Inspections

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State System of Higher Education  
Turnpike Commission  
Unemployment Compensation Review Board

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

**No. 256, March 1996**

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**PENNSYLVANIA**

**BULLETIN**

(ISSN 0162-2137)

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

**Printing Format**

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

**Fiscal Notes**

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

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

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1996.

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# PENNSYLVANIA BULLETIN

Volume 26  
Saturday, March 16, 1996 • Harrisburg, Pa.

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## **Part II**

This part contains the  
Department of Transportation  
Enhanced Emissions Inspections

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 200]

Landlord and Tenant Act of 1951; Acts 33 and 36 of 1995; No. 156 Doc. No. 1

#### Amendatory Order

*Per Curiam:*

*And Now*, this 28th day of February, 1996, Order No. 156 of Judicial Administration is hereby amended to read as follows:

*And Now*, this 28th day of February, 1996, the following Acts of Assembly are hereby suspended for a period of 30 days insofar as they are inconsistent with the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices:

(1) Act 33 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951; and

(2) Act 36 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951.

The following Acts of Assembly are hereby suspended for a period of 30 days insofar as they are inconsistent with the Philadelphia Municipal Court Rules of Civil Procedure:

(1) Act 33 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951; and

(2) Act 36 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951.

This AMENDATORY ORDER shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

[Pa.B. Doc. No. 96-387. Filed for public inspection March 15, 1996, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

Amendment to Rules of Civil Procedure—Rule 113

#### Order

*And Now*, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 113. Trial Assignment, was amended at the Board of Judges meeting, as General Court Regulation 96-2-MC.

*This Order*, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
*President Judge*

#### Rule 113. Trial Assignment.

Upon commencement of the action, the Municipal Court Administrator shall set the time and place for the trial

and shall note the same upon the complaint. Said trial shall be scheduled not more than ninety (90) days from the date the action is commenced, **except that trials in landlord-tenant cases shall be scheduled not more than thirty (30) days from the date the action is commenced.**

[Pa.B. Doc. No. 96-388. Filed for public inspection March 15, 1996, 9:00 a.m.]

### PHILADELPHIA COUNTY

Amendment to Rules of Civil Procedure—Rule 116

#### Order

*And Now*, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 116. Notification of Trial and Continuances was amended at the Board of Judges meeting, as General Court Regulation 96-3-MC.

*This Order*, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
*President Judge*

#### Rule 116. Notification of Trial and Continuances.

a. A continuance may be granted, or appropriate administrative action taken in the event of filing of a claim in excess of the Court's jurisdiction, provided written notice of the request for continuance is submitted to the Municipal Court Administrator or his designee and all other parties at least ten (10) days prior to the scheduled trial. Such notice shall certify that:

1. The continuance notice is made jointly by all parties or a bona fide attempt was made to have the request made jointly; or,

2. Prejudice for specific reasons will result to the notifying party absent continuance; and,

3. Notice of the request has been served on all parties.

b. Any objection to such request must be received by the Court Administrator not later than five (5) days prior to the scheduled trial and must certify that the objection has been served on all parties.

c. The Municipal Court Administrator shall, after the time for response has expired, forward notice of the decision to all parties.

d. If a defendant appears without having given notice of intention to defend, where required, claimant shall be granted a continuance, if requested.

e. [ **Contested applications** ] **Applications** for continuance made at the time of trial may be granted only for good cause shown.

f. The Court may grant continuances when applied for by defendants, served with complaints less than twenty (20) days before trial if the interests of justice require additional time to prepare a defense.

[Pa.B. Doc. No. 96-389. Filed for public inspection March 15, 1996, 9:00 a.m.]

**PHILADELPHIA COUNTY**

**Amendment to Rules of Civil Procedure—Rule 126**

**Order**

*And Now*, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 126. Executive and Revival of Judgments: Sheriff's Interpleader, was amended at the Board of Judges meeting, as General Court Regulation 96-4-MC.

*This Order*, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
*President Judge*

**Rule 126. Executive and Revival of Judgments: Sheriff's Interpleader.**

a. [Execution] Except as provided below, execution shall not issue until the time for appeal which could be filed with the Court of Common Pleas has expired[, except that execution upon landlord-tenant judgments for writs of possession may issue within five (5) days after judgments].

b. Execution upon landlord-tenant judgments for writs of possession may issue on or after five (5) days after judgments, and alias writs of possession may issue on or after sixteen (16) days after issuance of writs of possession.

[b.] c. Enforcement and revival of judgments shall be in the same manner as if commenced in the Court of Common Pleas, except that authorized Landlord-Tenant Officers may serve and enforce all writs of possession and alias writs of possession.

[c.] d. Sheriff's interpleader proceedings shall be in accordance with the Rules governing actions in the Court of Common Pleas.

[d.] e. An alias writ of possession may not be issued after six (6) months from the date of the judgment for possession without leave of court.

[Pa.B. Doc. No. 96-390. Filed for public inspection March 15, 1996, 9:00 a.m.]

**PHILADELPHIA COUNTY**

**Amendment to Rules of Civil Procedure—Rule 128**

**Order**

*And Now*, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 128. Fees, was amended at the Board of Judges meeting, as General Court Regulation 96-5-MC.

*This Order*, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
*President Judge*

**Rule 128. Fees.**

**FILING**

- a. Commencement of civil actions 0 to \$500 \$ 6.00

- b. Commencement of civil actions over \$500 to \$2,000 \$12.00
- c. Commencement of civil actions over \$2,000 to [ \$5,000 ] \$10,000 \$32.00
- d. Indexing additional names \$ 5.00
- e. Orders to Satisfy \$ 5.00
- f. Writ of Possession \$ 4.00
- g. Motions (Petitions-Relistments) \$10.00
- h. Additional defendant filing same as initial filing
- i. Co-defendant filing (Index charges \$5.00 only and service)
- j. Counterclaim same as initial filing
- k. Cross-claims same as initial filing
- l. Set-offs same as initial filing
- m. Writ of Revival \$ 6.00

The foregoing fee schedule does not cover any costs for service of process. Service of initial process shall be \$15.00. All other fees shall be in accordance with the sheriff's fee bill applicable to Philadelphia County.

The commencement of any action or proceeding as well as claims and writs shall be exempt from any library fee or taxes.

[Pa.B. Doc. No. 96-391. Filed for public inspection March 15, 1996, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**BUCKS COUNTY**

**Fee Bills of the Register of Wills; Clerk of the Orphans' Court**

**Order**

*And Now*, February 12, 1996, upon consideration of the following petition and upon authority of the Act of Assembly cited therein,

*The Court* approves the fee bills of the Register of Wills and Clerk of the Orphans' Court attached to the petition as Exhibit B and directs that said fee bills shall take effect thirty days after publication in the *Pennsylvania Bulletin*.

KENNETH G. BIEHN,  
*President Judge*

[Pa.B. Doc. No. 96-392. Filed for public inspection March 15, 1996, 9:00 a.m.]

**DISCIPLINARY BOARD OF THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated March 1, 1996, Daryl Brett Magid is Suspended from the Bar of this Commonwealth for a period of three (3) years, to be effective March 31, 1996.

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

[Pa.B. Doc. No. 96-393. Filed for public inspection March 15, 1996, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION [58 PA. CODE CH. 147]

#### Taxidermy

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

Amend §§ 147.121 and 147.122 and add §§ 147.123—147.129 to provide additional regulations to include definitions, testing protocols and standards, reports and records, unclaimed procedures and general operational requirements for prospective as well as currently licensed taxidermists.

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

The amendments were made public as a proposal at the June 20, 1995, meeting of the Commission. The notice of proposed rulemaking was set forth at 25 Pa.B. 5246 (November 25, 1995).

The amendments are adopted under 34 Pa.C.S. (relating to the Game and Wildlife Code) (Code).

#### 1. Introduction

The Commission at its June 20, 1995, meeting proposed and at its January 23, 1996, meeting adopted amendments to §§ 147.121—147.129, to provide regulations relating to definitions, testing protocols and standards, reports and records, unclaimed procedures and general operational requirements for prospective as well as currently licensed taxidermists.

#### 2. Purpose and Authority

The Commission has determined that the regulation of taxidermists protects the public by placing certain standards on the taxidermy services to be provided. At the same time, requiring accurate recordkeeping by taxidermists helps to control the commercialization of wildlife which may involve illegal trafficking in wildlife. Section 2901(b) of the Code (relating to regulations for permits), authorizes the Commission to promulgate regulations for the issuance of any permit and to control the activities which may be performed under the authority thereof.

#### 3. Regulatory Requirements

The amendments will require currently licensed taxidermists to keep records relating to, from whom, and when a specimen is received, when a specimen is returned and a description of the specimen. They also require an annual report be made to the Commission by each taxidermist if so requested. In addition, the amendments require taxidermists to make reasonable efforts, including certified mail, to contact the owner of a specimen before declaring it unclaimed. Certain other reporting procedures for threatened or endangered and Convention on International Trade in Endangered Species (C.I.T.E.S.), species are also set forth. The last significant amendment specifies who may take the taxidermy examination and what form the examination may take.

#### 4. Persons Affected

Currently licensed taxidermists and those seeking to become licensed taxidermists will be affected.

#### 5. Comment and Response Summary

After the proposed amendments were made public, comments were received from members of the Pennsylvania Taxidermists Association with regard to requirements on employes and satellite operations. After staff members of the Commission met with representatives of that Association, slight changes were made to §§ 147.125, 147.127 and 147.129 which are contained in the final adoption. No other comments were received.

#### 6. Cost and Paperwork Requirements

The amendments involve no additional costs associated with the examination or issuance of the permit. Records are currently required to be kept and most are kept in the manner being prescribed. Additional costs incurred by reason of using the new forms should be minimal. There are additional incidental costs of making reports (annual, employment and threatened or endangered species) as well as certified mail costs in the case of unclaimed specimens. These costs should also be minimal.

#### 7. Effective Date

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

#### 8. Contact Person

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

#### Findings

The Commission finds that:

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

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

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.121 and 147.122 and adding §§ 147.123, 147.124, 147.126 and 147.128 to read as set forth at 25 Pa.B. 5246 (November 25, 1995); and by adding §§ 147.125, 147.127 and 147.129 to read as set forth in Annex A.

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

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

(d) This order shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,  
Executive Director

**Fiscal Note:** 48-90. Fiscal Note 48-90 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter B. TAXIDERMISTRY**

**§ 147.125. Records and reports.**

(a) A record of all transactions shall be kept on PGC-9LE according to the instructions provided or on a form supplied by the permittee listing the following information:

- (1) The name, address and telephone number of the person from whom the specimen was received.
- (2) A special permit number or tag number, if a specimen is required to be tagged or marked.
- (3) The date received and the date returned.
- (4) A description of the wildlife specimen received.
- (b) The required records shall be maintained at the taxidermy shop where the work is performed.
- (c) An annual report, when required by the Director, shall be submitted in the form of a PGC-9LE or on the form supplied by the permittee as listed in subsection (a).

**§ 147.127. Operation.**

- (a) Legitimate employes of more than 30 consecutive days and apprentices shall be listed on the face of the permit and come under the direct supervision of the permittee at the place of business listed on the permit. Permits shall be amended during the permit year to add or delete employes and apprentices by notifying the Bureau of Law Enforcement.
- (b) Specimens shall be deposited at the business address listed on the permit. Drop points or pick up stations are not permitted.
- (c) All Convention on International Trade in Endangered Species (C.I.T.E.S.) wildlife not properly marked, tagged or documented shall be reported to the wildlife conservation officer in charge of the area. Threatened or endangered species may not be mounted unless properly permitted.

(d) Only one shop may be established per permit. Except as otherwise provided in subsection (a), all taxidermy work shall be performed by a licensed taxidermist.

(e) A taxidermist mounting or preparing any migratory birds shall be in possession of a current and valid Federal Fish and Wildlife Permit.

(f) A taxidermist or an employe may not hold wildlife protected by the act or this part for more than 72 hours without notifying an officer of the Commission. Game birds, game animals and furbearers lawfully taken and lawfully possessed are excepted.

**§ 147.129. Unlawful acts.**

- (a) It is unlawful to:
  - (1) Fail to keep an accurate record of all transactions or to make a false entry on the report.
  - (2) Fail to submit the annual report, when required by the Director, within 30 days of expiration of the permit.
  - (3) Sell an unclaimed specimen contrary to the procedures established in this part.
  - (4) Sell a specimen that is not properly disposed of in accordance with the act.
  - (5) Fail to list or delete an employe or apprentice from the permit.
  - (6) Establish drop points or pick up stations contrary to this part.
  - (7) Fail to report unmarked Convention on International Trade in Endangered Species (C.I.T.E.S.) or threatened or endangered species to the wildlife conservation officer in charge of the area within 72 hours.
  - (8) Receive, possess or mount a migratory bird without a Federal Fish and Wildlife Permit.
  - (9) Submit a false affidavit with the application for examination.
  - (10) Receive, possess or hold a specimen for another without a taxidermy permit.
  - (11) Violate other provisions of this title or the act.
- (b) A person violating this subchapter will be subject to penalties provided in the act.

[Pa.B. Doc. No. 96-394. Filed for public inspection March 15, 1996, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 203]

### Lead Occupation Accreditation and Certification

The Department of Labor and Industry (Department), under the authority contained in the Lead Certification Act (act) (35 P. S. §§ 5901—5916), proposes regulations concerning the accreditation of training providers and the certification of lead-based-paint occupations.

#### *Purpose of Proposed Rulemaking*

The proposed regulations, set forth in Annex A, set forth stringent accreditation requirements and procedures for training providers and certification requirements and procedures for lead-based-paint occupations. The Department met with various representatives from the lead-based-paint industry to discuss these proposed regulations.

The act requires that the Department's regulations be no more stringent than the Federal requirements. These regulations are proposed to incorporate current Federal requirements.

#### *Statutory Authority*

The Department is publishing these proposed regulations under the authority contained in the act and in the Residential Lead-Based Paint Hazard Reduction Act of 1992, Pub. L. No. 102—550, Title X, October 28, 1992, 106 Stat 3897—3926.

#### *Summary of Proposed Rulemaking*

##### *§ 203.1 (relating to definitions)*

This proposed section provides definitions for the terms used in the chapter. The definitions found in the act are included.

##### *§ 203.2 (relating to general administrative requirements)*

This proposed section defines the purpose and scope of the proposed chapter and incorporates the Environmental Protection Agency (EPA) proposed standards found at 59 FR 45872 (September 2, 1994), to be codified at 40 CFR Part 745.

##### *§ 203.3 (relating to training course accreditation procedures)*

This proposed section provides for the accreditation of initial and refresher training courses. An application for accreditation shall be received 30 days before a training provider's first course session. The Department will grant conditional accreditation if the materials submitted are complete and comply with the Department's requirements. The Department will issue final-course approval after it determines, from a complete review of the materials and observation of the course, that the course meets the requirements of the act and these proposed regulations.

This proposed section sets out the specific requirements for courses in each of the occupations. For EPA occupation classifications, these regulations adopt the EPA's course requirements by reference.

This proposed section sets out the course text requirements, provides requirements for course changes and sets forth course-provider recordkeeping requirements.

##### *§ 203.4 (relating to certification procedures and requirements)*

This proposed section provides the requirements for initial and renewal occupation certifications. Lead-based-paint occupation certifications are valid for 1 year.

This proposed section provides the certification requirements and proof of certification requirements.

##### *§ 203.5 (relating to denial, suspension or revocation of certification or accreditation)*

This proposed section provides the grounds and the process for denial, suspension or revocation of accreditation or certification. The grounds for these actions are set out in subsection (a). These grounds are based on those found in the act and the EPA's model plan. This proposed section provides for notice and hearing, in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

##### *§ 203.6 (relating to work practices)*

This proposed section incorporates EPA and United States Department of Housing and Urban Development (HUD) rules, regulations and guidelines. This section also imposes additional recordkeeping requirements.

##### *§ 203.7 (relating to reciprocity)*

This proposed section provides for the recognition of accreditation and certification granted by other states. The Department may enter into reciprocal agreements with other states and jurisdictions with accreditation and certification requirements substantially similar to those set forth in the act and these proposed regulations.

##### *§ 203.8 (relating to fees)*

This proposed section provides the fee schedules for initial and renewal certification fees, training course accreditation fees and refresher training course accreditation fees. There is a fee cap of \$5,000 per year on training-course-provider fees for an individual provider.

##### *§ 203.9 (relating to enforcement procedures and penalties)*

This proposed section provides for civil penalties for violations of the act and these proposed regulations. This proposed section sets out certification and accreditation violations. It provides the standards to be used by the Department in determining a civil penalty, and allows the Department to issue orders for hazardous conditions.

##### *§ 203.10 (relating to notification requirements)*

This proposed section provides for notification for lead-based-paint abatement projects to the Department. This proposed section also provides for changes to the original notification of a lead-based-paint project.

#### *Affected Persons*

These proposed regulations will affect persons in lead-based-paint occupations, contractors, training providers and building owners.

#### *Fiscal Impact and Paperwork*

The Department will incur additional administrative costs and paperwork as a result of the proposed regulations. Lead-based-paint contractors, persons in lead-based-paint occupations and training-course providers will incur additional expenses as a result of these proposed regulations. Training providers will be required to keep some additional records on their students.

*Sunset Date*

A sunset date is not appropriate because the Commonwealth's program must be certified and in compliance with Federal standards.

*Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Sharon K. Lawson, Administrator, Asbestos Section, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, Room 1402, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, within 30 days of publication in the *Pennsylvania Bulletin*.

Prior to the adoption of final regulations, the Department will carefully review and consider comments received concerning this proposal. Written comments will be officially reviewed and considered by the Department within 30 days of the publication of these proposed regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Labor Relations Committee and the Senate Labor and Industry Committee. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

JOHNNY J. BUTLER,  
*Secretary*

**Fiscal Note:** 12-47. No fiscal impact; (8) recommends adoption. Fees generated should offset program costs.

**Annex A****TITLE 34. LABOR AND INDUSTRY****PART X. BUREAU OF OCCUPATIONAL AND INDUSTRIAL SAFETY****CHAPTER 203. LEAD-BASED PAINT OCCUPATION ACCREDITATION AND CERTIFICATION**

Sec.	
203.1.	Definitions.
203.2.	General administrative requirements.
203.3.	Training course accreditation procedures.
203.4.	Certification procedures and requirements.
203.5.	Denial, suspension or revocation of certification or accreditation.
203.6.	Work practices.
203.7.	Reciprocity.
203.8.	Fees.
203.9.	Enforcement procedures and penalties.
203.10.	Contractor notification requirements.

**§ 203.1. Definitions.**

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

*Abatement*—A set of measures designed to eliminate or reduce lead-based paint hazards in accordance with standards established by the EPA. The term includes the following:

(i) The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures and the removal or covering of lead-contaminated soil.

(ii) The preparation, clean up, disposal and postabatement, clearance-testing activities associated with these measures.

(iii) Less-than-full abatement whereby the sources of lead contamination are reduced sufficiently to create a lead-safe environment rather than a lead-free environment.

The term does not include renovation and remodeling or landscaping activities by contractors whose primary intent is not to permanently eliminate or reduce lead-based paint hazards, but is instead to repair, restore or remodel a given structure or dwelling. The term does not include renovation and remodeling activities conducted by homeowners in their homes.

*Accessible surface*—An interior or exterior surface painted with lead-based paint that is accessible for a young child to mouth or chew.

*Accreditation*—A certificate issued by the Department permitting a person to conduct lead-based paint occupation training courses.

*Act*—The Lead Certification Act (35 P. S. §§ 5901—5916).

*CDC*—The United States Centers for Disease Control and Prevention.

*Certification*—A certificate issued by the Department permitting a person to work in a lead-based paint occupation and which contains a recent photograph of that person.

*Certified contractor*—A person, firm, company or institution which has been approved by the Department to perform lead-based paint activities in this Commonwealth.

*Children*—Individuals who are under 6 years of age.

*Commercial building*—A building constructed for the purpose of commercial or industrial activity and not primarily intended for use by the general public, including office complexes, industrial buildings, warehouses, factories and storage facilities.

*Deleading*—Activities conducted by a person who offers to eliminate or reduce lead-based paint or lead-based paint hazards or to plan these activities.

*Demolition*—Pulling down or completely destroying a building or structure or substantial removal of building elements.

*Department*—The Department of Labor and Industry of the Commonwealth.

*Discipline*—A classification for a specific lead-hazard activity.

*EPA*—The United States Environmental Protection Agency.

*Friction surface*—An interior or exterior surface that is subject to abrasion or friction. The term includes certain window, floor and stair surfaces.

*HUD*—The United States Department of Housing and Urban Development.

*Hazard activities*—Any set of measures designed to eliminate or reduce lead hazards in accordance with standards established by the EPA and other Federal agencies.

*Hazardous condition*—A condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil or a lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces or impact surfaces that would result in adverse human health effects as established by the administrator of the EPA under section 403 of the Toxic Substance Control Act (15 U.S.C.A. § 2683).

*Impact surface*—An interior or exterior surface that is subject to damage by repeated impacts; for example, certain parts of door frames.

*Inspection*—The term includes the following:

(i) A surface-by-surface investigation to determine the presence of lead-based paint, as provided in section 302(c) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C.A. § 4822(c)).

(ii) The provision of a written report explaining the results of the investigation.

*Inspector-risk assessor*—A person trained to identify the presence of lead-based paint and to collect additional information designed to assess the level of risk to residents of target housing.

*Lead-based paint*—Paint or other surface coatings that contain lead in excess of the most current HUD standards, or in the case of paint or other surface coatings on target housing, such lower level as may be established by the Secretary of HUD under the Lead-Based Paint Poisoning Prevention Act.

*Lead-based paint activities*—The term includes the following:

(i) With respect to target housing, the term includes risk assessment, inspection and abatement.

(ii) With respect to a public building constructed before 1978, or a commercial building, bridge or other structure or superstructure, the term includes identification of lead-based paint and materials containing lead-based paint, deleading and removal of lead from bridges and demolition.

*Lead-based-paint hazard*—A condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces or impact surfaces, which exposure would result in adverse human health effects as established by the Department.

*Nonprofit training provider*—A training provider organized for a purpose not involving pecuniary profit, incidental or otherwise, to its members.

*OSHA*—The Occupational Safety and Health Administration.

*Occupations*—The term includes worker, supervisor, inspector, risk-assessor, project designer and all other occupations covered by the EPA and OSHA rules, regulations and guidelines on lead-based paint activities.

*Person*—The term includes the following:

(i) An individual.

(ii) A corporation, partnership or association.

(iii) The Commonwealth, including an agency and instrumentality of the Commonwealth.

(iv) A political subdivision, including an agency or instrumentality of a political subdivision.

*Planner-project designer*—A person trained and certified to plan and design lead-based-paint activities.

*Public building*—A building constructed prior to 1978, which is generally open to the public or occupied or visited by children. The term includes schools, day care centers, museums, airport terminals, hospitals, stores, restaurants, office buildings, convention centers and government buildings. The term excludes target housing.

*Renovation and remodeling activities*—Activities whose primary intent is not to permanently eliminate or reduce lead-based-paint hazards, but is instead to repair, restore or remodel a given structure or dwelling.

*Residential dwelling*—The term includes the following:

(i) A single-family dwelling, including attached structures such as porches and stoops.

(ii) A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit and in which each unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more individuals.

*Risk assessment*—Onsite investigation to determine and report the existence, nature, severity and location of lead hazards in residential dwellings, including the following:

(i) Information gathering regarding the age and history of the housing and occupancy by children under 6 years of age.

(ii) Visual inspection.

(iii) Wipe sampling or other environmental testing and sampling techniques.

(iv) Other activity as may be appropriate.

(v) Provision of a report explaining the results of the investigation.

*Secretary*—The Secretary of the Department.

*Superstructure*—A large steel or other industrial structure, such as a bridge or water tower which might contain lead-based materials.

*Target housing*—Housing constructed prior to 1978, or any zero-bedroom dwelling. The term excludes housing for the elderly or persons with disabilities unless a child who is under 6 years of age resides or is expected to reside in the housing.

*XRF analyzer*—A machine that utilizes X-Ray Fluorescence (XRF) to test for the presence of lead-based paint.

## § 203.2. General administrative requirements.

(a) *Purpose and scope.* This chapter implements the certification, accreditation, work practices and other requirements of the act.

(b) This chapter applies to the following persons:

(1) Persons engaged in lead-based-paint occupations in this Commonwealth.

(2) Persons performing lead-based-paint abatement upon or within a building which they own or occupy who utilize employees to perform lead-based-paint abatement.

(3) Training course providers desiring to provide training courses required for employment in any lead-based-paint-abatement occupations in this Commonwealth.

(c) This subchapter does not relieve any person subject to the act from any duty or responsibility under any other Federal or State statutes or regulations, or local ordinances relating to lead-based-paint abatement.

(d) EPA standards found at 59 FR 45872 (September 2, 1994), to be codified at 40 CFR Part 745, or successor regulations, are incorporated by reference as the standards by which to carry out the provisions of the act.

(e) If the EPA regulations found at 40 CFR Part 745 and the remaining provisions of this chapter conflict, the provisions of this chapter apply.

**§ 203.3. Training course accreditation procedures.**

(a) *Federal regulations.* Training providers shall meet the EPA training course requirements found at 59 FR 45872 (September 2, 1994), to be codified at 40 CFR Part 745, or successor regulations.

(b) *Accreditation of initial and refresher courses.*

(1) Any person may apply to the Department for approval to conduct training courses, including refresher training courses. Any person desiring to apply as an approved training provider for a specific course shall complete an application prescribed by the Department and submit the completed application with the appropriate fee prescribed by § 203.8 (relating to fees). The application must be received by the Department at least 30 days prior to the first course session. The Department will not process an application which is submitted without the fee or that is incomplete.

(2) A provider requesting accreditation of a training course given outside this Commonwealth shall, in addition to complying with paragraph (1), submit copies of applicable State or Federal approvals, along with the name, address and telephone number of the person, department or agency giving the approval.

(3) The Department will grant conditional accreditation of a training course if it determines that the materials submitted are complete and demonstrate that the course substantially meets the Department's requirements.

(4) The Department will grant final accreditation of a conditionally accredited training course and issue a certificate of accreditation when it has determined from a complete review of application materials that the course meets the Department's requirements, and when a Department representative has observed and satisfactorily evaluated the course in progress.

(5) The Department will inform the provider in writing of its reasons for denying conditional and final accreditation. The Department may schedule a reevaluation at its discretion.

(6) Course accreditation shall be renewed annually in the manner prescribed by paragraph (1).

(c) *Course test.*

(1) A monitored final written examination will be required for all courses unless provided for in this chapter. For students who are unable to take a written examination, the Department may accept an equivalent oral examination.

(2) Training course instructors who provide oral examinations for students who are unable to take a written examination shall issue an answer sheet to be marked by the attendee. The student shall sign the answer sheet,

and it shall become a part of the training course provider's recordkeeping as described in this chapter.

(3) The minimum number of multiple-choice questions for initial lead occupation course examinations shall be as follows:

- (i) 100—Lead-based paint risk assessor.
- (ii) 100—Lead-based paint project designer.
- (iii) 50—Lead-based paint inspector.
- (iv) 100—Lead-based paint supervisor.
- (v) 50—Lead-based paint worker.

(4) The minimum number of multiple choice questions for refresher lead-based-paint-occupation course examinations shall be 25 questions.

(5) A passing grade on the course list is a score of 70% or more.

(d) *Changes to accredited training courses.*

(1) A provider may change an accredited training course only with approval of the Department. The provider shall submit to the Department written notice of the contemplated change at least 10 days before its proposed implementation date. The Department may waive the 10-day requirement for good cause shown.

(2) Changes may include the following:

- (i) Topic covered.
- (ii) Course materials.
- (iii) Training course instructors.
- (iv) Teaching methods.
- (v) Dates and location of scheduled courses.
- (vi) Language in which course is given.

(3) The Department may grant conditional approval of a change pending its detailed evaluation of the change.

(e) *Training course provider requirements.*

(1) The provider shall notify the Department in writing of the scheduled commencement of a course at least 5 days before the first session.

(2) The provider shall cooperate with the Department in all matters relating to the conduct of the course and shall permit representatives of the Department to attend course sessions at no cost. The provider shall make available to the Department, upon request and at no cost, course materials, examinations and records.

(3) The provider shall submit the following information to the third-party testing agency, for each student who has met the qualifications for supervisor, risk assessor or inspector for a training certificate, within 5 days of the successful completion of the course:

- (i) The student's name.
- (ii) The student's address.
- (iii) The student's telephone number, if available.
- (iv) The student's unique identification number.
- (v) The name of the course completed.
- (vi) The date of the course.
- (vii) The course test score.

**§ 203.4. Certification procedures and requirements.**

(a) *Federal regulations.* Applicants for certification shall meet the EPA certification course requirements

found at 59 FR 45872 (September 2, 1994), to be codified at 40 CFR Part 745, or successor regulations.

(b) *Certification of individuals.* An applicant for certification in a lead-based-paint occupation shall submit a completed application on a form provided by the Department, along with the appropriate fee designated in § 203.8 (relating to fees), and a copy of the training certificate required under EPA regulations. The Department will not process an application that is incomplete or submitted without the proper fee.

(c) *Contractor certification.* Applications for certification of a contractor or firm shall be submitted in the same manner as provided by subsection (b), except that no EPA training certificate is required.

(d) *Proof of certification.*

(1) A person engaged in a lead-based-paint occupation shall possess a Commonwealth-issued photo identification card or Commonwealth notification for a photo identification card. This documentation shall be available at each work site for inspection by the Department.

(2) A person whose photo identification card or Commonwealth notification for a photo identification card is lost or destroyed shall notify the Department in writing within 2 days, and shall maintain a copy of the written notification at the work site until the Department issues a new photo identification card or Commonwealth notification for a photo identification card.

(3) A contractor or firm shall have available on the work site a certificate of approval issued by the Department.

(e) *Renewal.* Certification shall be renewed annually in the same manner as provided in subsections (a) and (b). Photo identification cards and certificates of approval will be issued annually.

(f) *Supervisors.* A certified supervisor may perform the tasks of a worker.

**§ 203.5. Denial, suspension or revocation of certification or accreditation.**

(a) *Grounds.*

(1) The Department may deny an application for certification or accreditation, and may suspend or revoke a certification or accreditation issued under the act and this chapter for one or more of the following reasons:

(i) Fraudulently or deceptively obtaining or attempting to obtain accreditation or certification.

(ii) Failure to meet the requirements of the act or this chapter.

(iii) Failure to meet applicable Federal or State standards relating to lead-based-paint activities.

(iv) Failure to pay a required fee.

(v) Failure to meet standards for conducting lead-based-paint activities.

(b) *Notice and hearing.*

(1) Actions of the Department related to denial, suspension or revocation will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). Hearings will be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

(2) After hearing, the Department by written order may affirm, reverse or modify the denial, suspension or revocation.

(c) *Administrative proceedings, civil actions and criminal proceedings.* Denial, suspension or revocation of certification or accreditation will not affect or mitigate an administrative proceeding, civil action or criminal proceeding permitted by the act or this chapter or by any other law or regulation.

**§ 203.6. Work practices.**

(a) Work practices shall conform to current HUD and EPA guidelines, rules and regulations on lead-based-paint activities.

(b) Additional recordkeeping requirements are as follows:

(1) The lead-based-paint contractor shall maintain a list of individuals engaged in lead-based-paint occupations or who enter the lead-based-paint-abatement project area at each job site. The list shall include the following information:

(i) Names.

(ii) Certification identification number.

(iii) Job classification or job title.

(iv) Time in daily.

(v) Time out daily.

(vi) Other information that may be required by the Department.

(2) These records shall be available to the Department upon request.

**§ 203.7. Reciprocity.**

(a) *Certification of occupations and accreditation of other training programs.*

(1) The Department may enter into reciprocal agreements with other states and jurisdictions which have established accreditation and certification requirements substantially similar to those set forth in the act and this chapter.

(2) The Department will designate, by notice in the *Pennsylvania Bulletin*, states and jurisdictions which have certification and accreditation programs for which the Department has granted reciprocity.

(b) *Procedure and fees.*

(1) A person applying for accreditation under this section shall comply with § 203.3(b) (relating to training course accreditation procedures) and pay the appropriate fee listed in § 203.8 (relating to fees).

(2) A person applying for certification under this section shall comply with § 203.4(b) (relating to certification procedures and requirements) and pay the appropriate fee listed in § 203.8.

**§ 203.8. Fees.**

(a) *General information.* This section sets out the Department's certification and accreditation fees. Fees shall be remitted by check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable.

(b) *Certification fees.* Applicants for certification in lead occupations shall remit the following initial and annual renewal fees:

- (1) Lead-based-paint risk assessor \$300
- (2) Lead-based-paint project designer \$300

- |                                 |       |
|---------------------------------|-------|
| (3) Lead-based-paint inspector  | \$300 |
| (4) Lead-based-paint supervisor | \$100 |
| (5) Lead-based-paint worker     | \$ 50 |
| (6) Lead-based-paint contractor | \$500 |

(c) *Training course accreditation fees.* Providers of training courses shall remit the following initial and annual renewal accreditation fees:

- |  |         |
|--|---------|
| (1) Application for each initial training course             | \$1,000 |
| (2) Renewal of accreditation for the initial training course | \$ 500  |

(d) *Refresher training course accreditation fees.* Providers of refresher training courses shall remit the following initial accreditation and annual renewal fees:

- |  |        |
|--|--------|
| (1) Accreditation of each refresher lead-based-paint course        | \$ 500 |
| (2) Renewal of accreditation for refresher lead-based-paint course | \$ 250 |

(e) *Cumulative fees.* Within any calendar year, cumulative course accreditation fees will not exceed \$5,000 for an individual training provider.

(f) *Waiver of fees.* Accreditation fees will not be imposed on any state, local government or nonprofit training provider. Certification fees will not be imposed on any state, local government or nonprofit training provider, as long as employees actually perform the lead-based-paint activities.

#### § 203.9. Enforcement procedures and penalties.

(a) *General rule.* A person may not cause, permit or allow a lead-based-paint activity to be performed in violation of the act or this chapter. A person may not cause, permit or allow the performance of an act or operation in violation of an order issued by the Department under the act or this chapter.

(b) *Violations.* The Department will have the power to issue an order requiring compliance with the act or this chapter.

(1) An order will be served, personally or by certified mail, upon the person being charged with the violation.

(2) In the case of a violation of lead-based-paint work practice standards, a copy of the order will also be served, personally or by certified mail, upon the property owner and a copy shall be posted on the premises.

(c) *Hazardous conditions.* If the Department determines that a hazardous condition exists, the Department may do one or more of the following:

(1) Issue an order to those engaged to cease immediately all lead-based-paint activities until the condition is corrected.

(2) Issue an order to remove any workers except those needed to abate the hazard from the project work area until the condition is corrected to prevent further project activity.

(3) Issue an order to evacuate appropriate portions of the site until the condition is corrected.

(4) Certify the existence of a lead-based-paint hazard that exists due to the failure of a contractor or the contractor's employe to comply with the act, charge the added cost of any corrective cleanup or removal to the contractor responsible for the hazardous condition which exists due to the noncompliance, and collect the cost by lien or other means as may be authorized by law.

(5) Apply to an appropriate court for relief by injunction or restraining order against any person responsible for the hazardous condition.

(d) *Penalties.* In addition to the sanctions or remedial orders provided in this section, a person who fails to comply with a requirement of the act or this section, or who fails to obey an order issued by the Department, may be subject to one or more of the following penalties:

(1) Denial, suspension or revocation of accreditation or certification for a person, training provider or contractor as provided by § 203.5 (relating to denial, suspension or revocation of certification or accreditation).

(2) Administrative penalties of not more than \$1,000 for the first offense, not more than \$5,000 on the second offense and not more than \$10,000 for each subsequent offense. Each day a violation continues to exist shall constitute an additional, separate and distinct violation.

(i) If the violating person is a contractor, in determining the penalty, consideration shall be given to the appropriateness of the penalty to the size of the business of the person charged, taking into account the number of employees employed by that person, the dollar volume of sales or business, the amount of capital investment and financial resources, and other information that may be available relative to the size of the business of the person.

(ii) In determining the penalty, consideration shall be given to the appropriateness of the penalty to the gravity of the violation, taking into account factors, including, any history of prior violation; any evidence of willfulness or failure to take reasonable precautions to prevent violations; and the extent of exposure to hazardous conditions.

(e) *Finality of determination.* An administrative determination of a civil penalty for a violation of the act or this chapter shall become final 15-calendar days after receipt of the notice-of-penalty determination by certified mail by the person so charged, unless the person has filed, with the Department, an exception to the determination that the violation for which the penalty is imposed occurred.

#### § 203.10. Contractor notification requirements.

(a) *Notification.*

(1) Lead-based-paint abatement contractors shall notify the Department before engaging in a lead-based-paint abatement project in the manner prescribed by the Department.

(2) Notification shall be postmarked or hand delivered to the Department at least 5-business days prior to the project start date.

(3) In the case of an emergency project, verbal notification shall be given immediately to the Department and written notification shall be provided to the Department within 1 business day of the emergency. Notification by fax in emergencies is acceptable if followed by original written and signed notification.

(b) *Contents of the notification.* The notification shall contain, at a minimum, the following information:

(1) The name, address and certification number of the contractor.

(2) The name and address of the lead-based-paint abatement project and the political subdivision where it is located.

(3) The name and address of the building owner.

(4) The name and address of the landfill where the lead will be sent for disposal.

(5) The estimated start and the completion date of the project.

(6) The anticipated number of certified persons to be used at the work site.

(7) A copy of Model OSHA Written Compliance Plan, Form 9.1, filed with OSHA for the project.

(c) *Changes to notification.*

(1) If there is a change in any of the information provided on the notification form, the contractor shall immediately notify the Department of the changes in the manner provided in subsection (a)(3), provided that:

(i) In the case of a postponement of the start date, the contractor shall provide the Department with immediate verbal notification and shall submit written confirmation of the postponement within 1 business day before the original start date.

(ii) In the case of an advancement of the start date, the contractor shall provide the Department with written notification of the advancement at least 5 business days prior to the new start date.

(iii) Notification by fax is acceptable if followed by the original written and signed notification.

(2) Notification to the Department does not relieve the lead-based-paint contractor of the responsibility for making written notification as may be required by a municipality, agency of the Commonwealth or agency of the Federal government.

[Pa.B. Doc. No. 96-395. Filed for public inspection March 15, 1996, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 127]

### General Conformity

The Environmental Quality Board (EQB) proposes to add Chapter 127, Subchapter J (relating to general conformity) to read as set forth in Annex A. The proposed regulations will adopt by reference the General Conformity Rule (rule) promulgated by the United States Environmental Protection Agency (EPA) under section 176(c) of the Federal Clean Air Act Amendments of 1990 (CAA). The regulations are contained in 40 CFR Part 93, Subpart B (relating to determining conformity of general Federal actions to state or Federal implementation plans) with respect to the conformity of general Federal actions to the Commonwealth's State Implementation Plan (SIP).

The EQB approved the proposed rulemaking at its January 16, 1996, meeting.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, 12th Floor,

P. O. Box 8468, Harrisburg, PA 17105-8468, telephone: (717) 787-4310; or Joyce Epps, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th Floor, P. O. Box 8464, Harrisburg, PA 17105-8464, telephone: (717) 787-7060.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

For further information regarding public comments and hearings, see Section I of this Preamble.

#### C. *Statutory Authority*

This proposal is being made under section 5 of the authority of the Air Pollution Control Act (35 P.S. § 4005) which grants to the EQB the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

#### D. *Background*

The purpose of this proposal is to ensure that Federal actions do not adversely affect the timely attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) or emission reduction plans leading to attainment. The intent of integrating Federal actions with air quality planning is to protect this Commonwealth's air quality by helping to ensure that SIP growth projections are not exceeded, emission reduction targets are achieved and air quality attainment and maintenance efforts are not undermined. Adoption of these proposed regulations will not impact any existing Commonwealth air quality regulations.

The proposed regulations will place additional requirements on Federal agencies taking action within this Commonwealth which is covered by the rule. The rule places responsibility on the Federal agency to perform a conformity determination and to make the determination available for public review. The conformity determination examines direct and indirect emissions of regulated air pollutants resulting from the Federal actions. Conformity with the applicable SIP must be determined prior to initiating the action.

Examples of Federal actions requiring conformity determinations include:

- leasing of Federal land
- airport construction/modification grants
- private construction on Federal land
- construction of Federal office buildings
- prescribed burning
- reuse of military bases
- water treatment plants

#### E. *Summary and Purpose of Proposed Regulations*

Federal promulgation of these proposed regulations is required by section 176(c) of the CAA. The Commonwealth is required by section 51.851 of the rule to submit to the EPA by November 30, 1994, a revision to the air quality SIP, which establishes conformity criteria and procedures consistent with the rule. The Department is proposing to incorporate the rule by reference.

Under these proposed regulations and the underlying Federal regulations, departments, agencies or instrumentalities of the Federal government are not permitted to

engage in, support in any way or provide financial assistance for, or issue a license or permit, or approve an activity which does not conform to Pennsylvania's air quality SIP. Prior to taking any action, a determination that the proposed Federal action conforms to the air quality SIP must be made by the Federal agency in accordance with the policy, criteria and procedures contained in the EPA regulation.

The general conformity rule covers direct and indirect emissions of criteria pollutants or their precursors that are caused by a Federal action, are reasonably foreseeable and can practically be controlled by the Federal agency through its continuing program responsibility. Criteria pollutants are carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone, particulate matter (PM-10) and sulfur dioxide (SO<sub>2</sub>). The criteria and procedures established in the rule apply only in areas that are nonattainment or maintenance with respect to any of these criteria pollutants.

#### F. *Benefits and Costs*

Executive Order 1982-2 requires a statement of the benefits of a proposed rulemaking, as well as the costs which may be imposed. It also requires a statement of the need for, and a description of, any forms, reports or other paperwork required as a result of the proposed regulations.

#### *Emission Impact*

The proposed regulations will not change the emission impact of the existing air quality regulations. The current regulations are intended to achieve or maintain the Federal NAAQS for the general conformity criteria pollutants CO, Pb, NO<sub>2</sub>, ozone, PM-10 and SO<sub>2</sub>.

#### *Environmental Impact*

The proposed regulations are intended to prevent environmental degradation by Federal actions. The proposed regulations require consistent planning between the different programs. These proposed regulations will require Federal agencies to ensure that the Commonwealth's air quality is protected. The function of the air quality SIP is to bring the noncomplying areas into compliance with the Federal NAAQS and to maintain compliance once it is established.

#### *Impact on Regulated Industry*

The proposed regulations will affect departments, agencies or instrumentalities of the Federal government that engage in, support in any way or provide financial assistance for, license or permit or approve any activity which does not conform to the Commonwealth's SIP. An appropriate conformity study is required prior to the planned Federal activity.

#### *Cost to the Commonwealth*

The proposed regulations will not affect costs to the Commonwealth. Regional offices presently review the types of environmental impact statements that these proposed regulations will require.

#### *Cost to Local Government*

The proposed regulations will not impose additional costs on local governments.

#### *Cost to General Public*

The proposed regulations will not impose additional costs on the general public.

#### *Paperwork Requirements*

The proposed regulations require affected actions to include SIP planning methods and goals in evaluation of the environmental impact. The proposed regulations should not affect present paperwork requirements. Presently, environmental assessments are required of major activities that may adversely affect Pennsylvania's air quality. These proposed regulations will direct Federally influenced activities to explicitly include Pennsylvania SIP planning and goals in the assessment.

#### G. *Sunset Date*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which it was intended.

#### H. *Regulatory Review*

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

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

#### I. *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by May 22, 1996. In addition to the written comments, interested persons may also submit a summary of their comments to the EQB. The summary may not exceed 1 page in length and must also be received by May 22, 1996. The summary will be provided to each member of the EQB in the agenda packet distributed prior to the meeting at which the final regulations will be considered. Comments may be submitted electronically to the EQB at RegComments@A1.dep.state.pa.us. The subject heading of the proposal and a return name and address must be included in each transaction. Comments submitted electronically must also be received by the EQB by May 22, 1996.

#### J. *Public Hearings*

The EQB will hold three public hearings for the purpose of accepting comments on the proposed regulations. The hearings will be held at 1 p.m. as follows:

April 15, 1996 Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA



April 17, 1996 Department of Environmental Protection  
1st Floor Meeting Room  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA

April 22, 1996 Department of Environmental Protection  
Southeast Regional Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, PA

Persons wishing to present testimony at the hearings should contact Sharon Freeman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, telephone: (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness, and three written copies of the oral testimony must be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend a hearing, and require an auxiliary aid, service or other accommodation to participate in the proceeding, should contact Sharon Freeman at the address and telephone number listed in this section; or for TDD users, the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-295. No fiscal impact; (8) recommends adoption.

*(Editor's Note: The following subchapter is new. It has been printed in regular type to enhance readability.)*

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND OPERATION OF SOURCES**

**Subchapter J. GENERAL CONFORMITY**

Sec.  
127.801. Purpose.  
127.802. Adoption of standards.

**§ 127.801. Purpose.**

This subchapter adopts the general conformity rule promulgated by the EPA under section 176(c) of the Clean Air Act (42 U.S.C.A. § 7506(c)) and the regulations codified at 40 CFR Part 93, Subpart B (relating to determining conformity of general Federal actions to state or Federal implementation plans), with respect to the conformity of general Federal actions to the Commonwealth's State Implementation Plan.

**§ 127.802. Adoption of standards.**

The general conformity rule promulgated in 40 CFR Part 93, Subpart B (relating to determining conformity of general Federal actions to state or Federal implementation plans), by the Administrator of the EPA under section 176(c) of the Clean Air Act (42 U.S.C.A. § 7506(c))

is adopted in its entirety by the Department and incorporated herein by reference.

[Pa.B. Doc. No. 96-396. Filed for public inspection March 15, 1996, 9:00 a.m.]

**UNEMPLOYMENT COMPENSATION BOARD OF REVIEW**

[34 PA. CODE CH. 101]

**General Requirements**

The Unemployment Compensation Board of Review (Board), under the authority contained in sections 203 and 505 of the Unemployment Compensation Law (law) (43 P. S. §§ 763(d) and 825) proposes these amendments to replace Chapter 101, Subchapter E (relating to telephone hearings). The proposed amendments provide guidelines and standards for scheduling and conducting appeal hearings in whole, or in part, by telephone.

*Purpose of Proposed Rulemaking*

The former regulations governing hearings conducted by telephone sunsetted on April 8, 1994, but telephone hearings continued to be conducted when all parties agreed to be bound by the expired regulations. In addition to the former regulations having sunsetted, minor problems of interpretation were noted. These problems of interpretation stemmed primarily from minor ambiguities in the regulations which occasionally caused difficulty in application for the parties or the tribunal. The proposed telephone regulations are designed to address these problems by providing clarification, conforming to the *Pennsylvania Code & Bulletin Style Manual*, 3rd Edition, and, primarily, improve organization in order to ensure that telephone hearings are conducted in a uniform manner. The ultimate purpose is to provide fundamental fairness to all parties involved in the appeal process.

*Explanation of Proposed Regulations*

Subchapter E governs telephone hearings. This subchapter was rescinded on April 8, 1994, under the sunset date provided in former § 101.126(b). The following reinstates the sunsetted regulations as revised. Most of the revisions involve reorganization or rewording for clarity. The proposed amendments have also been given new section numbers for organizational purposes.

§§ 101.121—101.126 (Reserved). This is proposed to be deleted in order to show the history of the telephone regulations.

*Proposed § 101.127(a)* (relating to purpose and scope) sets forth the purpose of the telephone hearing regulations. This is similar to sunsetted § 101.121.

*Proposed § 101.127(b)* sets forth the scope of the telephone regulations. This is similar to sunsetted § 101.125(e) and has been placed here for organizational purposes. It has been reworded to promote clarity without changing the meaning.

*Proposed § 101.128(a)* (relating to scheduling of telephone testimony) provides that a party or witness located at least 50 miles from the hearing site may testify by telephone. This will eliminate problems involving fractional miles and clarify the intent of the regulation that

50 miles distance, in itself, is sufficient to allow telephone testimony. This is similar to sunsetted § 101.122(a) and has been reworded for clarity and style only.

*Proposed § 101.128(b)* provides the reasons for which telephone testimony can be scheduled upon request of a party or witness. This is similar to sunsetted § 101.122(b) and has been reworded for clarity and style only.

*Proposed § 101.128(c)* provides that a party or witness identified prior to the taking of testimony may testify by telephone. This change from sunsetted § 101.122(c) was made so that all sections relating to the scheduling of witnesses and taking of testimony are in conformity.

*Proposed § 101.128(d)* requires that the tribunal promptly rule on a request that testimony be taken by telephone and that the ruling will be documented on the record. This proposed section is the same as sunsetted § 101.122(d).

*Proposed § 101.128(e)* provides that a party or witness scheduled to testify by telephone will be permitted to testify in person. This proposed section is the same as sunsetted § 101.122(e).

*Proposed § 101.129(a)* (relating to procedures subsequent to scheduling) provides guidance to the tribunal if a party moves to withdraw consent to the receipt of telephone testimony. This proposed section is essentially the same as sunsetted § 101.123(a) with minor word changes for clarity and style.

*Proposed § 101.129(b)* provides how and when an objection to the receipt of telephone testimony can be made. This proposed section is the same as sunsetted § 101.123(b).

*Proposed § 101.129(c)* provides that the tribunal will promptly rule on objections to testimony to be received by telephone and that the ruling will be documented on the record. This proposed section is the same as sunsetted § 101.123(c).

*Proposed § 101.130(a)* (relating to notice of testimony by telephone and use of documents) provides that notices of telephone hearings will be mailed to parties and their counsel or authorized agents, if known. The hearing notice will indicate the time of hearing in all relevant time zones and, if known, the names of counsel, authorized agents, parties, and witnesses that are scheduled to provide telephone testimony or representation. The purpose is to assure that all known counsel or authorized agents receive notice and that any confusion concerning the time a party or witness will be called to testify by telephone will be eliminated. Also, listing the names of counsel, and the like, if known, gives parties notice of participants, but does not preclude witnesses or representation as provided for in proposed § 101.131(f). This proposed section is a hybrid of sunsetted § 101.124(a) and (b). Any changes are for purposes of organization and clarity.

*Proposed § 101.130(b)* requires that a copy of the telephone hearing regulations be sent with the notice of telephone hearing and that, if a copy is not sent, any testimony and evidence taken at the hearing may be excluded from consideration and a new hearing scheduled in compliance with the regulations. By providing that copies of the telephone regulations are sent to all parties before the hearing, or that testimony taken may be excluded and a new hearing scheduled, it will be ensured that all parties are aware of their rights during a telephone hearing. In the past, copies of the regulations have not always been provided and, as a result, parties

have sometimes given uninformed consent to waiving their rights. This proposed section is similar to sunsetted § 101.124(b).

*Proposed § 101.130(c)* provides that a party intending to testify by telephone or offer testimony of witnesses by telephone shall, before the start of the hearing, provide the tribunal with the name, location and telephone number of those persons who will testify by telephone. This proposed section was part of sunsetted § 101.124(c).

*Proposed § 101.130(d)* requires that the tribunal send to all parties in advance of the hearing all documents relied upon by the job center, whether the party is appearing in person or testifying by telephone. Fairness dictates that all parties have comparable time and opportunity to review the documents in preparation for the hearing. This is similar to the sunsetted § 101.124(f).

*Proposed § 101.130(e)* provides that if any testimony or evidence is to be given or taken from or with the aid of a document or writing, the document or writing must be delivered to the tribunal for distribution before the hearing or before testimony is taken. Under sunsetted § 101.124(d), this section was interpreted to allow the party appearing in person the opportunity to use documents that had not been distributed to the party or witnesses testifying by telephone. This practice violated the right of the party testifying by telephone to a fair hearing by denying that party the opportunity to examine the documents to determine authenticity and accuracy. The proposed section will assure fundamental fairness to all parties by ensuring that all documents are distributed to all parties before the testimony begins.

*Proposed § 101.131(a)* requires that all parties be advised of the right to object to testimony by telephone.

*Proposed § 101.131(b)* (relating to conduct of a telephone hearing) provides that any party may object to telephone testimony at the hearing and, if so, shall state the reasons why; and provides direction to the tribunal when such an objection is made. This proposed section is similar to sunsetted § 101.123(d) and has been revised for clarification purposes only.

*Proposed § 101.131(c)* requires that, at the beginning of the hearing, the tribunal will state on the record the time and telephone number at which the tribunal initiates contact with any party, witness or counsel who is testifying by telephone. This new section is designed to create a clear record of the attempt by the tribunal to complete the telephone contact and thus alleviate the problems resulting from contacting parties in different time zones, when hearings begin late, or incorrect numbers have been given to or dialed by the tribunal. The expected effect will be a decrease in the number of remand hearings necessary due to parties alleging that they were available for the hearing, but did not receive a call from the tribunal.

*Proposed § 101.131(d)* requires that the tribunal tape record and preserve the telephone hearing record and so advise all parties and witnesses. Anyone has the right to refuse to have their testimony recorded. If anyone refuses to have their testimony tape recorded, the tribunal will provide for stenographic recording of testimony. This is consistent with the right of anyone to refuse to have their testimony tape recorded. The proposed requirement that the tribunal be advised of the objection to tape recording in advance of the hearing is to allow the tribunal sufficient time to make alternate arrangements for stenographic recording of testimony. This is similar to sunsetted § 101.125(a).

*Proposed § 101.131(e)* requires that the tribunal allow parties a reasonable opportunity to question any party or witness testifying by telephone for the purpose of verifying the identity of party or witness. This proposed section is similar to sunsetted § 101.125(b).

*Proposed § 101.131(f)* provides that any party or witness not identified in advance of or at the beginning of the telephone hearing, prior to the taking of any testimony, may not testify by telephone. Testimony taken or given in violation of this provision will be excluded from consideration by the tribunal. This section informs all parties of the consequences of prohibited testimony and gives the reviewing bodies clear direction concerning how to treat prohibited testimony. This is similar to sunsetted § 101.124(c).

*Proposed § 101.131(g)* provides that no person may prompt or direct the testimony of a witness testifying by telephone, and that testimony taken in violation of this provision will be excluded. This proposed section is similar to sunsetted § 101.125(c) and changes are for purposes of clarity only.

*Proposed § 101.131(h)* provides that a document or writing not provided as required by § 101.130(e) will not be admitted and testimony given or taken from it will not be considered unless consent to consider the testimony and document has been requested from and given by all parties. Testimony in violation of this subsection will be excluded. This change is proposed for the same reasons cited in proposed § 101.131(f). This proposed section is similar to sunsetted § 101.125(c).

*Proposed § 101.131(i)* provides for the administering of a special oath for witnesses and parties testifying by telephone. The special oath is to emphasize the restrictions on anyone testifying by telephone and to help ensure that they will comply with the restrictions concerning the use of documents and the prohibition against improper prompting and directing during the hearing by any other person.

*Proposed § 101.132* (relating to presentation by telephone) provides that a party's counsel or authorized agent may provide representation by telephone at any time, but may provide testimony only if the criteria of § 101.128(a) and (b) are met. The purpose is to enhance the right of all parties to obtain counsel or representation of their choice. Because representatives do not usually give testimony, there are no due process issues involved in this provision. Telephone representation alone will not trigger the telephone regulations because proposed § 101.127 speaks only to telephone testimony by parties and witnesses. If a representative will give testimony, the requirements set forth in § 101.128(a) and (b) must be met, and the telephone regulations will be triggered.

*Who is affected by the Proposed Amendments*

Unemployment compensation claimants, employers and their respective representatives (attorneys, paralegals, union representatives, tax consultants, and the like), and witnesses who participate in appeal hearings where testimony or representation will occur by telephone will be affected. Telephone hearings constitute approximately 6.5% of all hearings conducted.

The proposed amendments will ensure that parties involved in a hearing where testimony is received by telephone have a fair hearing. Most proposed changes from the former telephone hearing regulations involve relocation of sections for clarity, or rewording for clarity or style.

*Cost and paperwork requirement*

There will be negligible cost to the agency to revise the existing regulations and a small number of forms. There will be no costs to local government, the private sector or the general public. Parties who appear by telephone can potentially save money in travel costs and time because their presence at a central location will not always be required.

*Sunset date*

The effectiveness of the additions to Chapter 101 will be reviewed periodically by the Board. Thus, no sunset date is necessary.

*Contact Persons*

The contact persons are Clifford F. Blaze, Esq., (717) 783-1232 or Linda S. Lloyd, Esq., (717) 787-8510, Room 1623 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on March 1, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Committees. In addition to submitting the proposed amendments, the Board provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

WILLIAM A. HAWKINS,  
*Chairperson*

**Fiscal Note:** 12-43. (1) Labor & Industry Administration Fund; (2) Implementing year is 1994-95 \$Negligible; (3) 1st succeeding year is 1995-96 \$Negligible; 2nd succeeding year is 1996-97 \$Negligible; 3rd succeeding year is 1997-98 \$Negligible; 4th succeeding year is 1998-99 \$Negligible; 5th succeeding year is 1999-00 \$Negligible; (4) FY \_\_\_\_ \$ N/A; FY \_\_\_\_ \$ NA; FY \_\_\_\_ \$ N/A; (8) recommends adoption.

**Annex A**

**TITLE 34. LABOR AND INDUSTRY**  
**PART VI. UNEMPLOYMENT COMPENSATION**  
**CHAPTER 101. GENERAL REQUIREMENTS**  
**Subchapter E. TELEPHONE HEARINGS**

*(Editor's Note:* As part of this proposal, the Board is proposing to delete the existing text of §§ 101.121—101.126, which appears at 34 Pa. Code pages 101-41—101-45, serial pages (207529)—(207533).)

Sec.	
101.121—101.126.	(Reserved).
101.127.	Purpose and scope.
101.128.	Scheduling of telephone testimony.
101.129.	Procedures subsequent to scheduling.
101.130.	Notice of testimony by telephone and use of documents.

- 101.131. Conduct of a telephone hearing.  
 101.132. Representation by telephone.

*(Editor's Note: The following sections are new. They have been printed in regular type to enhance readability.)*

**§ 101.127. Purpose and scope.**

(a) In-person testimony is normally preferable to testimony by telephone; however, there can be reasons to justify receiving testimony by telephone. This subchapter is promulgated to provide the conditions under which testimony by telephone will be scheduled and received, to safeguard the due process rights of the parties, and to ensure that testimony by telephone is received under uniformly applied rules. Testimony by telephone may be received only if specifically authorized by this subchapter.

(b) When the general rules of this chapter conflict with the provisions of this subchapter, the provisions of this subchapter control.

**§ 101.128. Scheduling of telephone testimony.**

(a) The tribunal may schedule, on its own motion, testimony by telephone of a party or witness when it appears from the record that the party or witness is located at least 50 miles from the location at which the tribunal will conduct the hearing.

(b) The tribunal may schedule testimony by telephone of a party or witness, at the request of one or more parties, when one of the following applies:

(1) The parties consent to the receipt of testimony by telephone.

(2) The party or witness is reasonably unable to testify in person because of compelling reasons, such as employment, transportation or medical problems.

(c) Only a party or witness scheduled to testify by telephone, or identified prior to the taking of testimony in accordance with § 101.131(f) (relating to conduct of a telephone hearing), may testify, and the testimony of each other party or witness shall be received in person.

(d) The tribunal will promptly rule on a request that testimony be taken by telephone after a reasonable attempt to obtain the positions of other parties. The basis for the request, the position of other parties, if known, and the ruling will be documented on the record.

(e) A party or witness scheduled to testify by telephone will be permitted to testify in person.

**§ 101.129. Procedures subsequent to scheduling.**

(a) If a party moves to withdraw consent to the receipt of testimony by telephone prior to the taking of testimony, the tribunal will allow the withdrawal if it is found that the consent was not freely and knowingly given.

(b) An objection to the receipt of testimony by telephone shall set forth the reasons in support thereof and shall be promptly communicated to the tribunal, but may not be asserted subsequent to the taking of testimony.

(c) The tribunal will promptly rule on objections to testimony by telephone after a reasonable attempt to obtain the position of the other party. The basis for the objection, the position of the other party, if known, and the ruling will be documented on the record.

**§ 101.130. Notice of testimony by telephone and use of documents.**

(a) When testimony by telephone is to be taken, the tribunal will mail the notice of a hearing to the parties

and, if known, to their counsel or authorized agent at least 14 days in advance of the hearing. The hearing notice will indicate:

(1) The time of the hearing in all relevant time zones.

(2) The names of counsel, authorized agent, parties and witnesses, if known, who are scheduled to appear or testify by telephone.

(b) When testimony by telephone is to be taken, the tribunal will send a copy of this subchapter with the notice of hearing. If a copy of this subchapter has not been provided to the parties or their counsel or authorized agent in advance of the hearing, testimony and evidence given or taken at the hearing may be excluded from consideration, and a new hearing in compliance with this chapter will be scheduled.

(c) A party intending to testify, to offer the testimony of witnesses or to be represented by telephone, shall, in advance of the beginning of the hearing, supply the tribunal with the name, location and telephone number of the persons who will so appear.

(d) When scheduling a telephone hearing, the tribunal will enclose with the notice of hearing copies of the documents upon which the initial determination was based. These copies will accompany the notices of hearing to all parties.

(e) When testimony or evidence will be given or taken from or with the aid of a document or writing, the document or writing shall be delivered to the tribunal and distributed by the tribunal to each other party and, if known, counsel or authorized agent before or at the beginning of the testimony. The tribunal may request that the documents or writings be delivered up to 5 days in advance of the hearing. See § 101.131(h) (relating to conduct of a telephone hearing).

**§ 101.131. Conduct of a telephone hearing.**

(a) Before testimony is received, the tribunal will advise all parties of the right to object to telephone testimony and to request an in-person hearing in compliance with Subchapter B (relating to provisions governing hearings before the Department or referee).

(b) A party may pursue an objection to telephone testimony at the hearing and shall set forth reasons in support thereof. If the objection is sustained, the tribunal will reschedule the hearing at a later date, either in person or by telephone, in accordance with Subchapter B or this subchapter. If the objection is not sustained, the tribunal may proceed with the hearing.

(c) At the start of the hearing, the tribunal will state on the record the time and telephone numbers at which the tribunal initiates the contact with any party, witness, legal counsel or authorized agent who is to testify or appear by telephone.

(d) The proceedings of the hearing will be tape recorded to preserve the record. A person testifying or appearing by telephone will be advised by the tribunal that the proceedings are being tape recorded. A person has the right to refuse to have their telephone testimony tape recorded. Persons who so object shall advise the tribunal in advance of the hearing, and state the basis for their objection. The tribunal will promptly rule on the objection and will document on the record both the basis for the objection and the ruling. If the tribunal sustains the objection, the tribunal will provide for stenographic recording of the testimony.

(e) The tribunal will permit parties a reasonable opportunity to question other parties or witnesses testifying by telephone for the purpose of verifying the identity of the parties or witnesses. Falsification of identity may subject the parties or witnesses to prosecution and punishment.

(f) A party or witness not identified to the tribunal and all other parties before the beginning of the testimony will not be permitted to testify by telephone. Testimony taken or given in violation of this subsection will be excluded from consideration.

(g) A person may not prompt or direct the testimony of a witness testifying by telephone. Testimony taken or given in violation of this subsection shall be subject to objection and will be excluded from consideration by the tribunal.

(h) A document or writing not provided as required by § 101.130(e) (relating to notice of testimony by telephone and use of documents) may not be admitted nor testimony given or taken from it unless consent has been requested

from and given by all parties. Testimony taken or given in violation of this subsection will be excluded from consideration.

(i) All parties or witnesses testifying by telephone shall take a special oath, administered by the tribunal at the start of the hearing, that they will comply with the restrictions on documents and writings, and that their testimony will not be prompted or directed during the hearing by any other person.

**§ 101.132. Representation by telephone.**

The counsel or authorized agent of a party may provide representation at a hearing by telephone, but may not provide testimony unless the representative meets the criteria in § 101.128(a) or (b) (relating to scheduling of telephone testimony).

[Pa.B. Doc. No. 96-397. Filed for public inspection March 15, 1996, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

GOVERNOR'S OFFICE  
[4 PA. CODE CH. 1]

### Executive Orders, Management Directives and Other Issuances of the Directives Management System Indexed for Reference Purposes

The Index of Issuances is being updated to reflect changes since 25 Pa.B. 2191 (June 3, 1995). This revision adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

THOMAS G. PAESE,  
*Secretary of Administration*

*(Editor's Note: This Index of Issuance is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)*

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

#### § 1.4. Index of issuances.

		Date of Original or Latest Amendment	Current Revisions
<b>1. Executive Orders</b>			
	* * * * *		
1981-13	Governor's Committee on Employment of the Handicapped . . . . .	10/19/81	
1983-1	Transfer of Cresson Center to the Bureau of Correction . . . . .	1/4/83	
	* * * * *		
1992-3	The Americans With Disabilities Act of 1990 . . . . .	7/22/92	
1993-1	Prohibition of Sexual Harrassment in the Commonwealth . . . . .	3/26/93	
	* * * * *		
1995-10	Governor's Sports and Exposition Facilities Task Force . . . . .	10/27/95	
1996-1	Regulatory Review and Promulgation . . . . .	2/6/96	
	* * * * *		

#### 2. Management Directives and Manuals.

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#### MANAGEMENT/ADMINISTRATIVE SUPPORT

\* \* \* \* \*

#### Contracts Management

\* \* \* \* \*

M215.1	Contracting for Services . . . . .	10/23/92	1-2-3
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#### Central Services

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220.5	Payment of Interagency Billings for Centralized Services . . . . .	1/13/96	
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**Date of Original  
or Latest  
Amendment**                      **Current  
Revisions**

**2. Management Directives and Manuals.**

**Travel and Expenses**

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230.10	Travel and Subsistence Allowances.....	9/27/91.....	1 thru 6
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**Automated Technology Management**

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245.8	Development of Automated Technology Contingency/Disaster Recovery Plans.....	12/21/91	
245.10	State Computer Maintenance Contract for Terminals, Microputers, Printers and Other Related Peripheral Equipment.....	9/1/92	
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**FINANCIAL MANAGEMENT**

**General**

305.2	Standard Check Endorsement Procedure.....	8/15/88	
	*   *   *   *   *		
305.18	Obtaining Authority for Electronic Approval of Commonwealth Voucher Transmittals.....	8/18/94	
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**EMPLOYE DEVELOPMENT AND UTILIZATION**

**General**

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505.7	Personnel Rules.....	2/8/96	
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**Benefits**

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530.4	State Paid Benefits While on Sick, Parental or Family Care Leave Without Pay.....	4/4/95	
530.8	Motor Vehicle Financial Responsibility Law.....	11/15/94	
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**SUPPLIES, SERVICES AND EQUIPMENT**

**Supplies and Equipment Acquisition/Disposition**

	*   *   *   *   *		
610.13	Local Bids and Local Awards for Goods Costing \$1,500 to \$10,000 ..	1/31/96	
	*   *   *   *   *		

[Pa.B. Doc. No. 96-398. Filed for public inspection March 15, 1996, 9:00 a.m.]

**PART II. EXECUTIVE BOARD**

**[4 PA. CODE CH. 9]**

**Reorganization of the Department of State**

The Executive Board approved a reorganization of the Department of State effective March 6, 1996.

The organization chart at 26 Pa.B. 1148 (March 16, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 96-399. Filed for public inspection March 15, 1996, 9:00 a.m.]





# Title 7—AGRICULTURE

## DEPARTMENT OF AGRICULTURE

### [7 PA. CODE CH. 138g]

#### Farm Safety and Occupational Health Grant Program Guidelines

The Department of Agriculture (Department) adopts Chapter 138g (relating to the Farm Safety and Occupational Health Grant Program—statement of policy).

This statement of policy is authorized under sections 6 and 13 of the Farm Safety and Occupational Health Act (act) (3 P. S. §§ 1906 and 1913), which directs the Secretary to establish a grant program for the purpose of awarding grants to Statewide farm organizations and volunteer fire companies, ambulance services and rescue squads for providing farm safety, occupational health and emergency response programs.

In summary, this statement of policy establishes the procedures governing the submission of grant applications, documentation required to accompany the applications, eligibility criteria, criteria for determining grant amounts and reporting requirements for grant assistance.

#### *Background*

The Commonwealth's approximately 51,000 farms are the foundation of a \$35 billion industry, employing over 650,000 workers in farming and related services, food processing and food wholesale and retail sales. The National Safety Council reports agriculture as this Nation's most hazardous industry with a work death rate 22% higher than the second most hazardous industry—mining and quarrying. Farming accounts for over 80% of agriculture's injury toll. Since 1980, 576 farm-related fatal injuries have occurred in this Commonwealth, including 47 in 1992. Nineteen percent of the 1992 farm-related injuries were to children 14 years of age and younger. Thirty percent of the fatal injuries were to persons 65 years of age and over. Approximately 14% of all farm operations in this Commonwealth each year suffer an injury serious enough to cause lost work time. Approximately 2% of these injuries leave the victim with some form of permanent disability.

Section 138g.1 (relating to program objectives) sets forth that the objective of the grant program is to fund projects which will increase the awareness of farm safety and occupational health issues and other issues specific to emergency response programs. The awarding of the grant moneys is on a funds available basis and through a competitive application process.

Section 138g.2 (relating to definitions) defines various recurring terms such as "Statewide farm organizations," "volunteer ambulance services," "volunteer fire company" and "volunteer rescue squad."

Section 138g.3 (relating to limitations on grants) describes the type of organization which is eligible for the grant awards. This section specifically delineates that eligible applicants may be awarded financial assistance in amounts of up to \$2,500.

Section 138g.4 (relating to applications generally) provides that an application is required and from whom organizations may request applications.

Section 138g.5 (relating to application deadline) provides that for this fiscal year only applications for the

grant program will be accepted 90 days from the date of publication in the *Pennsylvania Bulletin*. Thereafter, once this statement of policy has been published, the application deadline will be January 30 of each subsequent year.

Section 138g.6 (relating to review of application) sets forth the grant application requirements and the factors which the Board or the Secretary may consider in reviewing grant applications.

Section 138g.7 (relating to disposition of application) describes the time frame for notification of rejection or approval of the application and how the Secretary will notify the applicant.

Section 138g.8 (relating to recordkeeping) describes what type of records shall be kept by the grant recipient and for how long those records shall be kept. This section also provides for inspection and audit of those records by the Department.

Section 138g.9 (relating to verification of use) requires a grant recipient to document the expenditures of grant funds within 3 months of project completion. This section also specifically delineates the ramifications of failure to provide the documentation.

Section 138g.10 (relating to grant cancellation) provides for the cancellation of a grant which is not being spent in accordance with the grant agreement and the repayment thereof.

This statement of policy sets forth the basic process by which the Department may exercise its administrative discretion with respect to the expenditure of the funds appropriated to it by the General Assembly for farm safety and occupational health programs.

This statement of policy does not constitute a rule or regulation, does not have the force and effect of law and is not intended to circumscribe any administrative discretion afforded the Department under the act with respect to the expenditure of funds appropriated for the Farm Safety and Occupational Health Grant Program (Program).

#### *Fiscal Impact*

##### *Commonwealth*

The statement of policy will impose minimal costs and have minimal fiscal impact upon the Commonwealth, including projected increases in Program costs. The Department has a continuing appropriation for use in developing the Program.

##### *Political Subdivisions*

The statement of policy will impose no costs and have no fiscal impact upon political subdivisions.

##### *Private Sector*

The statement of policy will impose minimal costs on those organizations who are interested in applying for grant moneys. The costs most likely will be associated with the attending and participating in farm safety training programs.

##### *General Public*

The statement of policy will impose no costs and have no fiscal impact on the general public.

#### *Paperwork Requirements*

The statement of policy will not result in an appreciable increase of paperwork. The Department will de-

velop a grant application form for use in administering the Program.

*Contact Person*

Further information is available by contacting the Department of Agriculture, Farm Safety and Occupational Health Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: John Tancelosky (717) 787-4843.

*Effective Date*

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

CHARLES C. BROSIUS,  
*Secretary*

*(Editor's Note: The regulations of the Department of Agriculture, 7 Pa. Code, are amended by adding a statement of policy at §§ 138g.1—138g.10 (relating to Farm Safety and Occupational Health Grant Program—statement of policy) to read as set forth in Annex A.)*

**Fiscal Note:** 2-105. (1) General Fund; (2) Implementing Year 1995-96 is \$77,500; (3) 1st Succeeding Year 1996-97 is \$82,500; 2nd Succeeding Year 1997-98 is \$86,000; 3rd Succeeding Year 1998-99 is \$86,000; 4th Succeeding Year 1999-00 is \$86,000; 5th Succeeding Year 2000-01 is \$86,000; (4) FY 1995-96 SN/A; FY 1994-95 SN/A; FY 1993-94 SN/A; (7) Farm Safety and Occupational Health; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART V-C. FARMLAND AND FOREST LAND**

**CHAPTER 138g. FARM SAFETY AND OCCUPATIONAL HEALTH GRANT PROGRAM—STATEMENT OF POLICY**

Sec.	
138g.1.	Program objectives.
138g.2.	Definitions.
138g.3.	Limitations on grants.
138g.4.	Applications generally.
138g.5.	Application deadline.
138g.6.	Review of application.
138g.7.	Notice of disposition of application.
138g.8.	Recordkeeping.
138g.9.	Verification of use.
138g.10.	Grant cancellation.

**§ 138g.1. Program objectives.**

(a) *Purpose.* The purpose of the FSOH Grant Program is to fund projects which will increase the knowledge and awareness of farm safety measures and occupational health issues in this Commonwealth, in particular, among the rural youth of this Commonwealth.

(b) *Competitive program.* The FSOH Grant Program is competitive. Grant requests and related documentation will be collected by the Department and reviewed by the Board and Secretary. Grants will be awarded annually.

(c) *Funds available basis.* Grants will not be awarded unless funds are available for this purpose.

**§ 138g.2. Definitions.**

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

*Act*—The Farm Safety and Occupational Health Act (3 P. S. §§ 1901—1915).

*Board*—The Farm Safety and Occupational Health Advisory Board.

*Department*—The Department of Agriculture of the Commonwealth.

*FSOH Grant Program*—The Farm Safety and Occupational Health Grant Program.

*Secretary*—The Secretary of Agriculture of the Commonwealth.

*Statewide farm organizations*—The term includes any of the following organizations located in this Commonwealth:

- (i) Farmers organizations.
- (ii) Dairy organizations.
- (iii) Livestock and poultry organizations.
- (iv) Veterinary associations.
- (v) Commodity organizations.
- (vi) Food industry organizations.
- (vii) Horticulture and agronomy organizations.
- (viii) Agricultural promotional organizations.
- (ix) Agricultural equipment organizations, including a local, county or regional chapter thereof.

*Volunteer ambulance services*—A nonprofit chartered corporation, association or organization located in this Commonwealth and which is regularly engaged in the services of providing emergency medical care and transportation of patients.

*Volunteer fire company*—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and other voluntary emergency services within this Commonwealth.

*Volunteer rescue squad*—A nonprofit chartered corporation, association or organization located in this Commonwealth which provides rescue services in this Commonwealth.

**§ 138g.3. Limitations on grants.**

(a) The FSOH Grant Program will award financial assistance, of up to \$2,500, to Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth that wish to develop and deliver farm safety, occupational health and emergency response programs.

(b) Eligible applicants will not be awarded more than one \$2,500 grant per State fiscal year. An applicant may submit more than one type of grant application.

(c) Grants awarded to an organization may be used only for the specific project/event/activity described in the grant application. Grants shall only be used to fund projects within the geographic boundaries of this Commonwealth and may be awarded for the following types of projects:

- (1) Projects related to methods of preventing or mitigating farm accidents.
- (2) Educational programs relating to agricultural equipment safety programs for farm youth.

(3) Educational seminars or field demonstrations relating to first aid programs for farm youth.

(4) Agriculture safety training programs at day camps and demonstration projects for farm youth.

(5) Development and implementation of age-appropriate rural school curricula.

(6) Fire/educational safety programs specific to farms.

(7) Development and implementation of age-appropriate adult farmer and farm worker safety training programs.

(8) Farm related emergency response training programs.

#### **§ 138g.4. Applications generally.**

(a) *Application required.* Interested Statewide farm organizations, volunteer fire companies, ambulance services and rescue squads within this Commonwealth may submit grant applications to the Department at the address listed in subsection (b).

(b) *Obtaining an application and technical assistance.* Application for grants under this chapter shall be made on forms prepared by the Department. For applications and for assistance, contact the Farm Safety and Occupational Health Grant Program, Department of Agriculture, 2301 N. Cameron St., Harrisburg, Pennsylvania 17110, (717) 787-4843.

(c) *Additional information.* The Board and the Secretary may require that an applicant submit additional documentation to complete, verify or clarify the application.

#### **§ 138g.5. Application deadline.**

For the first fiscal year only, the application deadline will be June 14, 1996. The Department will not accept grant applications after that date. In subsequent years, applications for grants under this chapter shall be received by the Department at the address set forth in § 138g.4(b) (relating to applications generally) by the postmark date of January 30.

#### **§ 138g.6. Review of application.**

(a) *Grant application requirements.* An application for a grant will not be considered by the Board or the Secretary unless the following items are attached:

(1) A detailed description of the project to be funded by the grant.

(2) A reasonable and accurate statement of the project's estimated cost. A separate breakdown on the labor portion of the cost, on the materials portion of the cost, and on any other type of expense anticipated shall be provided.

(3) A copy of the official organization board minutes where action was taken on this project.

(4) Information of the project or area to be served by the proposed project. Maps or other geographic aids may be attached.

(5) A biographical sketch of primary persons involved in the project which indicates skills, knowledge and prior experience required for the completion of the project.

(b) *Factors.* Factors to be considered by the Board or the Secretary in selecting grant recipients include the following:

(1) The relevance of the project to farm safety or rural health issues.

(2) The innovativeness of the project.

(3) The scope of the project and the number of people who will be affected by the project as described in the application.

(4) The value to the agricultural community of the project described in the application.

(5) The willingness of the applicant to make in kind or financial contributions, or both, to the project.

(6) The availability of funding for the project from a source other than the FSOH Grant Program.

(7) The extent to which one project shall impact upon rural youth or farmers, growers or producers within this Commonwealth.

(8) The value to those who work directly with farm accident victims.

(9) Whether the applicant has been, in whole or in part, the recipient of another grant under the act within the same State fiscal year.

(10) Whether a local, county or regional farm organization is affiliated with a Statewide farm organization.

(c) The Secretary may impose restrictions or special conditions upon the issuance of a grant. The Secretary will review the recommendations of the Board, but will have final authority to accept or reject these recommendations.

#### **§ 138g.7. Notice of disposition of application.**

Grant applicants will be notified by the Secretary within 30 days of a decision to reject or approve the grant. This notice will be sent by regular mail to the address indicated by the applicant on the grant application. Recipients will receive a grant agreement which shall be executed by the recipient and the Department prior to the release of funds. Grant money shall be used within 1 year of the date of the grant agreement unless an extension is granted by the Secretary.

#### **§ 138g.8. Recordkeeping.**

Financial records, supporting documents, statistical records and other records pertaining to the project shall be retained for 3 years beginning at the end of the grant year. The records and documents shall be available for inspection or audit at all reasonable times by the Department or its authorized representative.

#### **§ 138g.9. Verification of use.**

(a) *Verification.* An organization receiving a grant shall maintain books, records and other evidence pertaining to costs incurred for expenditures associated with the project funded by the grant. The books and records shall be maintained according to generally accepted accounting principles. Within 3 months of the project completion date specified in the grant agreement, the recipient shall submit to the Department written receipts for the project costs. Grant recipients shall provide to the Department a final report which includes pertinent documentation as well as a narrative report describing the effectiveness of the project, experience gained and knowledge acquired.

(b) *Failure to verify use.* If required receipts or documentation, or both, are not submitted to the Department as described in subsection (a), the Secretary may demand,

in writing, the return by the grant recipient of the entire grant sum or a lesser amount, plus appropriate legal interest. The grant recipient shall repay a sum demanded by the Department within 60 days of a written demand.

**§ 138g.10. Grant cancellation.**

A grant may be canceled by the Department if the Secretary determines that grant funds are not being

spent in accordance with the terms and conditions of the grant agreement. In the event of cancellation, the Department may demand the return of the grant sum, or a portion thereof, plus legal interest thereon.

[Pa.B. Doc. No. 96-400. Filed for public inspection March 15, 1996, 9:00 a.m.]

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# 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 March 5, 1996.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-1-96	Harleysville National Corporation, Harleysville to acquire 100% of the voting shares of Farmers & Merchants Bank (Honesdale, PA), Honesdale	Harleysville	Effective

##### Foreign Bank Organization Offices

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-28-96	National Bank of Canada 600, rue de la Gauchetiere Ouest Montreal, Quebec Canada	Oxford Center 301 Grant Street Suite 3440 Pittsburgh Allegheny County, PA	Filed

##### Consolidation, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-1-96	Northwest Savings Bank, Warren, and First National Bank of Centre Hall, Centre Hall surviving institution—Northwest Savings Bank, Warren	Warren	Approved
3-1-96	The Citizens National Bank of Lansford, Lansford, and Farmers & Merchants Bank (Honesdale, PA), Honesdale surviving institution—The Citizens National Bank of Lansford, Lansford	Lansford	Effective

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-29-96	The Scottdale Bank & Trust Company Scottdale Westmoreland County	Route 201 and Liberty Street Vanderbilt Fayette County	Approved
2-29-96	Northwest Savings Bank Warren Warren County	553 Market Street Johnsonburg Elk County	Opened

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-27-96	Mid-State Bank and Trust Company Altoona Blair County	Route 220 Tipton Blair County	Withdrawn

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-23-96	Integra Bank Pittsburgh Allegheny County	Bon Aire Shopping Center Route 8 Butler Butler County	Effective
3-1-96	Chambersburg Trust Company Chambersburg Franklin County	128 E. Queen Street Chambersburg Franklin County	Approved
3-4-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	3091 Carlisle Road Dover York County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-401. Filed for public inspection March 15, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 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, telephone (610) 832-6130.*

**PA 0050393.** Sewage, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490.

This application is for revoke and reissuance of an NPDES permit to discharge treated sewage from the Valley Green STP in Worcester Township, **Montgomery County**. This is an existing discharge to Zacharias Creek. The Permittee is requesting an expansion from 0.09 mgd to 0.22 mgd.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports, navigation and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 0.09 mgd prior to expansion are as follows:

Parameter	Average	Average	Instantaneous
	Monthly (mg/l)	Weekly(mg/l)	Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus (as P)	1.0		2.0
Total Residual Chlorine	monitor/report		monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 001, based on an average flow of 0.22 mgd beginning from the completion of the expansion are as follows:

Parameter	Average	Average	Instantaneous
	Monthly (mg/l)	Weekly(mg/l)	Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus (as P)	1.0		2.0
Total Residual Chlorine	0.07		0.23
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

**PA 0035807.** Industrial waste, SIC: 4231. **Refiners Transport and Terminal Corporation**, 1300 E. 9th St., Suite 1100, Cleveland, OH 44114.

This application is for renewal of an NPDES permit to discharge treated industrial waste and stormwater to Oil Creek in Cornplanter Township, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Company and the Allegheny River located at Emlenton, approximately 41.5 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of .003 mgd are:

Parameter	Average	Average	Instantaneous
	Monthly(mg/l)	Weekly(mg/l)	Maximum(mg/l)
Flow (mgd)	monitor and report on monthly DMR		
BOD	50	100	225
Total Suspended Solids	20	40	50
Oil and Grease			
Each grab is to be analyzed and the average reported.	15		30
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 are:

Parameter	Average	Average	Instantaneous
	Monthly(mg/l)	Weekly(mg/l)	Maximum(mg/l)
Flow (mgd)	monitor and report on monthly DMR		
Oil and Grease	15	30	

The EPA waiver is in effect.

**PA 0005762.** Industrial waste, SIC: 3312. **Electralloy**, a G. O. Carlson, Inc. Company, 21 Seneca Street, Oil City, PA 16301.

This application is for renewal and transfer of an NPDES permit to discharge noncontact cooling water and Group 1 stormwater to the Allegheny River in Oil City, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and PA-American Water located at Emlenton, approximately 25 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.019 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
Flow (mgd)	monitor and report		
Temperature	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 based on a design flow of 0.062 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
Flow (mgd)	monitor and report		
Temperature	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 003 are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
Flow (mgd)	monitor and report		
Total Suspended Solids	monitor and report		
Dissolved Iron	monitor and report		
pH	monitor and report		

The proposed discharge limits for Outfall No. 002 are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
Flow (mgd)	monitor and report		
Total Suspended Solids	monitor and report		
Dissolved Iron	monitor and report		
pH	monitor and report		

The EPA waiver is in effect.

**PA 0103659.** Industrial waste, SIC: 2992. **Pennzoil Products Company**, Wolf's Head Packaging Plant, Allegheny Avenue, P. O. Box 393, Reno, PA 16343.

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

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and the Emlenton Water Company located at Emlenton, approximately 39 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.00445 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
Flow (mgd)	monitor and report		
Oil and Grease	15	30	30
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 are:

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
	No discharge unless authorized by the Northwest Region Water Quality Manager or his representative.		



The proposed discharge limits for Outfall No. 003 are:

<i>Parameter</i>	<i>Average Monthly(mg/l)</i>	<i>Average Daily(mg/l)</i>	<i>Instantaneous Maximum(mg/l)</i>
Flow (mgd)	monitor and report		
Oil and Grease	monitor and report		
pH	monitor and report		

The EPA waiver is in effect.

**PA S238301.** Industrial waste, SIC: 2869, Industrial Organic Chemicals; SIC: 2819 Industrial Inorganic Chemicals. **Mooney Chemicals, Inc.**, Two Mile Run Road, Franklin, PA 16323.

This application is for a new NPDES permit to discharge Group 1 Stormwater to the Allegheny River in Franklin Township, **Venango County**. This is an existing discharge.

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

The proposed discharge limits for Outfall No. S01 are:

<i>Parameter</i>	<i>Average Monthly(mg/l)</i>	<i>Average Daily(mg/l)</i>	<i>Instantaneous Maximum(mg/l)</i>
Flow	monitor and report		
CBOD <sub>5</sub>	monitor and report		
Chemical Oxygen Demand	monitor and report		
Oil and Grease	monitor and report		
pH	monitor and report		
SARA Title III, Section 313- Water Priority Chemicals	monitor and report		
Total Suspended Solids	monitor and report		
Total Phosphorus	monitor and report		
Total Kjeldahl Nitrogen	monitor and report		
Iron (Dissolved)	monitor and report		
Effluent Guideline Pollutants	monitor and report		

The proposed discharge limits for Outfall No. S02 are:

<i>Parameter</i>	<i>Average Monthly(mg/l)</i>	<i>Average Daily(mg/l)</i>	<i>Instantaneous Maximum(mg/l)</i>
Flow	monitor and report		
CBOD <sub>5</sub>	monitor and report		
Chemical Oxygen Demand	monitor and report		
Oil and Grease	monitor and report		
pH	monitor and report		
SARA Title III, Section 313- Water Priority Chemicals	monitor and report		
Total Suspended Solids	monitor and report		
Total Phosphorus	monitor and report		
Total Kjeldahl Nitrogen	monitor and report		
Iron (Dissolved)	monitor and report		
Effluent Guideline Pollutants	monitor and report		

The proposed discharge limits for Outfall No. S03 are:

<i>Parameter</i>	<i>Average Monthly(mg/l)</i>	<i>Average Daily(mg/l)</i>	<i>Instantaneous Maximum(mg/l)</i>
Flow	monitor and report		
CBOD <sub>5</sub>	monitor and report		
Chemical Oxygen Demand	monitor and report		
Oil and Grease	monitor and report		
pH	monitor and report		
SARA Title III, Section 313- Water Priority Chemicals	monitor and report		
Total Suspended Solids	monitor and report		
Total Phosphorus	monitor and report		
Total Kjeldahl Nitrogen	monitor and report		
Iron (Dissolved)	monitor and report		
Effluent Guideline Pollutants	monitor and report		

The proposed discharge limits for Outfall No. S04 are:

<i>Parameter</i>	<i>Average Monthly(mg/l)</i>	<i>Maximum Daily(mg/l)</i>	<i>Instantaneous Maximum(mg/l)</i>
Flow		monitor	andreport
CBOD <sub>5</sub>		monitor	andreport
Chemical Oxygen Demand		monitor	andreport
Oil and Grease		monitor	andreport
pH		monitor	andreport
SARA Title III, Section 313- Water Priority Chemicals		monitor	andreport
Total Suspended Solids		monitor	andreport
Total Phosphorus		monitor	andreport
Total Kjeldahl Nitrogen		monitor	andreport
Iron (Dissolved)		monitor	andreport
Effluent Guideline Pollutants		monitor	andreport

The proposed discharge limits for Outfall No. S05 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		
CBOD <sub>5</sub>	monitor and report		
Chemical Oxygen Demand	monitor and report		
Oil and Grease	monitor and report		
pH	monitor and report		
SARA Title III, Section 313- Water Priority Chemicals	monitor and report		
Total Suspended Solids	monitor and report		
Total Phosphorus	monitor and report		
Total Kjeldahl Nitrogen	monitor and report		
Iron (Dissolved)	monitor and report		
Effluent Guideline Pollutants	monitor and report		

The proposed discharge limits for Outfall No. S06 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		
CBOD <sub>5</sub>	monitor and report		
Chemical Oxygen Demand	monitor and report		
Oil and Grease	monitor and report		
pH	monitor and report		
SARA Title III, Section 313- Water Priority Chemicals	monitor and report		
Total Suspended Solids	monitor and report		
Total Phosphorus	monitor and report		
Total Kjeldahl Nitrogen	monitor and report		
Iron (Dissolved)	monitor and report		
Effluent Guideline Pollutants	monitor and report		

The proposed discharge limits for Outfall No. S07 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		
CBOD <sub>5</sub>	monitor and report		
Chemical Oxygen Demand	monitor and report		
Oil and Grease	monitor and report		
pH	monitor and report		
SARA Title III, Section 313- Water Priority Chemicals	monitor and report		
Total Suspended Solids	monitor and report		
Total Phosphorus	monitor and report		
Total Kjeldahl Nitrogen	monitor and report		
Iron (Dissolved)	monitor and report		
Effluent Guideline Pollutants	monitor and report		

The EPA waiver is in effect.

**PA 0221571.** Industrial waste, SIC: 3089. **Loranger Corporation**, Loran Division, 2715 Pennsylvania Avenue, Warren, PA 16365.

This application is for a new NPDES permit to discharge noncontact cooling water to Morse Run in Conewango Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Company on the Allegheny River located at Emlenton, approximately 90 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of .0002 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
pH		6.0—9.0 at all times	

The proposed discharge limits for Outfall No. 004 based on a design flow of .01 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum (mg/l)</i>
<i>Flow</i>			
pH		6.0—9.0 at all times	

The proposed discharge limits for Outfall No. 005 based on a design flow of .13 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum(mg/l)</i>
<i>Flow</i>			
Temperature (Final)		<i>Daily Avg.</i>	
		<i>Allowable Discharge Temperature (°F)</i>	
Sep 1—15		68.0	
Sep 16—30		62.0	
Oct 1—15		57.0	
Oct 16—31		53.0	
Nov 1—15		48.0	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

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

**PA 0080454.** Industrial waste, SIC: 4941, **Borough of Carlisle**, "Water Filtration Plant," 53 West South Street, Carlisle, PA 17013.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Conodoguinet Creek, in North Middleton Township, **Cumberland 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 Carlisle Suburban Authority located in North Middleton Township. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of .288 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum (mg/l)</i>
<i>Flow</i>			
Total Suspended Solids	report	report	
Total Aluminum	30	60	75
Total Iron	4	8	10
Total Manganese	2	4	5
Total Residual Chlorine	1	2	2.5
pH	report	report	
	6—9 s.u. at all times		

The EPA waiver is in effect.

**PA 0008486.** Industrial waste, SIC: 2621, **Ahlstrom Filtration, Inc.**, P. O. Box A, Mt. Holly Springs, PA 17065.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Mountain Creek, in Mt. Holly Springs, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 1.008 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i> monitor and report	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
Flow	18	36	45
CBOD <sub>5</sub>	30	60	75
Total Suspended Solids	2	4	5
Phosphorus	minimum of 5 at all times		
D. O.	monitor and report		
Temperature	within 6—9 s.u. at all times		
pH			

The proposed effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly(mg/l)</i> monitor and report	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
CBOD <sub>5</sub>	monitor and report		
Chemical Oxygen Demand	monitor and report		
Total Suspended Solids	monitor and report		
Total Phosphorus	monitor and report		
Total Kjeldahl Nitrogen	monitor and report		
Dissolved Iron	monitor and report		
Oil and Grease	monitor and report		
pH (s.u.)	monitor and report		

The EPA waiver is in effect.

**PA 0087262.** Sewage, SIC: 4952, **Broad Top Township (Riddlesburg Study Area)**, Box 57, Municipal Building, Defiance, PA 16633.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Six Mile Run, in Broad Top Township, **Bedford 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 Saxton Municipal Water Plant located in Saxton on Raystown Branch. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0204 mgd are:

<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.64
Dissolved Oxygen	minimum of 5.0 at all times		
pH	6.0—9.0 s.u.		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	72,000/100 ml as a geometric average		

The EPA waiver is in effect.

**PA 0083593.** Sewage, SIC: 4952, **Silver Spring Township Authority**, 6475 Carlisle Pike, Mechanicsburg, PA 17055.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Conodoguinet Creek, in Silver Spring Township, **Cumberland 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 Steelton Municipal Waterworks located in Dauphin County. The discharge is not expected to impact any potable water supply.

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

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Weekly(mg/l)</i>	<i>Daily(mg/l)</i>	<i>Maximum(mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	8.5			17
(11-1 to 4-30)	17.5			35

Parameter	Average	Average	Maximum	Instantaneous
	Monthly(mg/l)	Weekly(mg/l)	Daily(mg/l)	Maximum(mg/l)
Total Phosphorus (4-1 to 10-31)	1			2
(11-1 to 3-31)	2			4
Total Residual Chlorine	1			2
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	18,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA S223501.** Stormwater, SIC: 2421, 2448, 2449 and 2499, **Mt. Valley Farms and Lumber Products, Inc.**, 1240 Nawakwa Road, Biglerville, PA 17307.

This application is for issuance of an NPDES permit for an existing discharge of stormwater to a dry swale to Opossum Creek and dry swales to an unnamed tributary of Conewago Creek, in Menallen Township, **Adams County**.

Opossum Creek is classified for trout stocking fishery, recreation, water supply and aquatic life. The unnamed tributary of Conewago Creek is classified for high quality, cold water fishery, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Supply Company on the Susquehanna River located just north of Wrightsville Borough in York County. The discharge is not expected to impact any potable water supply. Outfall 001 is located on the dry swale to Opossum Creek. Outfalls 002 and 003 are located on dry swales to an unnamed tributary of Conewago Creek.

The proposed effluent limits for these Outfalls are:

Parameter	6-month	Maximum
	Average(mg/l)	Daily(mg/l)
CBOD <sub>5</sub>	monitor and report	
Chemical Oxygen Demand	monitor and report	
Total Suspended Solids	monitor and report	
Nitrate plus Nitrite Nitrogen	monitor and report	
Dissolved Iron	monitor and report	
Oil and Grease	monitor and report	
pH	monitor and report	

The EPA waiver is in effect.

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

**PA 0040274.** Industrial waste, SIC: 3316, **Allegheny Ludlum Corporation**, River Road, Brackenridge, PA 15014.

This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from the Vandergrift Facility in Vandergrift Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters of the Kiskiminetas River classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is West Leechburg Water Authority, located at Leechburg, 0.6 mile below the discharge point.

Internal Monitoring Point 107: existing discharge, design flow of 0.38 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly	Daily	Monthly	Daily	Maximum
Flow	monitor and report				
Temperature					110°F
Oil and Grease			monitor and report		
Chromium			monitor and report		
Copper			monitor and report		
Iron			monitor and report		
Nickel			monitor and report		
Zinc			monitor and report		
Total Residual Chlorine			0.5		1.25
pH	6.0—9.0				

Outfall 207: new (0.29 mgd) discharge to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly	Daily	Monthly	Daily	Maximum
Flow	monitor and report				
Total Suspended Solids	319.18	743.84	monitor and report		40
Oil and Grease	3.22	9.64	monitor and report		10
Chromium	4.12	10.31	monitor and report		1.0
Nickel	3.09	9.27	monitor and report		0.9
Total Residual Chlorine			0.5		1.25
pH	6.0—9.0				

Outfall 007: existing discharge to Kiskiminetas River, design flow of 3.4 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly	Daily	Monthly	Daily	Maximum

This discharge shall consist of uncontaminated stormwater runoff and the discharge from Internal Monitoring Point 107 and Internal Monitoring Point 207.

Outfall 008: existing discharge to Kiskiminetas River, design flow of 3.4 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly	Daily	Monthly	Daily	Maximum
Zinc			monitor and report		

Outfall 009: existing discharge to Kiskiminetas River, design flow of 3.41 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly	Daily	Monthly	Daily	Maximum
Zinc			monitor and report		

The EPA waiver is not in effect.

**PA 0096474.** Industrial waste, SIC: 4613 and 5171, **Buckeye Pipe Line Co.**, Coraopolis Station, 520 Narrows Run Road, Coraopolis, PA 15108.

This application is for issuance of an NPDES permit to discharge treated stormwater from the Coraopolis Station in Coraopolis Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Midland Borough Water Authority, located at Midland, about 25 miles below the discharge point.

Outfall 001: existing discharge of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly	Daily	Monthly	Daily	Maximum
Total Recoverable Petroleum Hydrocarbons			monitor/report		

*Other Conditions:* Special Conditions included for stormwater runoff.

The EPA waiver is in effect.

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0023183	Boro of Mt. Holly Springs 200 Harman Street Mt. Holly Springs, PA 17065	Cumberland Mt. Holly Springs	Mountain Creek	TRC
PA0032379	Safe Harbor Water Power P. O. Box 97 Conestoga, PA 17516	Lancaster Manor Twp.	Conestoga River and Susquehanna River	TRC, Iron, Aluminum, Manganese

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

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

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

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

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

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

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Ste. 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6131.*

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.*

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

*Berks County Conservation District, District Manager, Agricultural Center, Leesport, PA 19533, telephone (610) 372-4657.*

**NPDES Permit PAS10C022.** Stormwater. **Group One Properties Inc.**, 4641 Pottsville Pike, Suite E, Reading, PA 19605 has applied to discharge stormwater from a construction activity located in Leesport Borough, **Berks County**, to Schuylkill River.

**NPDES Permit PAS10C023.** Stormwater. **Fiorino Grande**, Grande Construction, 424 Miller Road, Sinking Spring, PA 19608 has applied to discharge stormwater from a construction activity located in Lower Heidelberg Township, **Berks County**, to Cacoosing Creek.

*Delaware County Conservation District, District Manager, 1521 N. Providence Road, Media, PA 19063, telephone (610) 892-9484.*

**NPDES Permit PAS10J031.** Stormwater. **Lewis Brandolini III**, 1 Daylesford Station, 1301 Lancaster Avenue, Berwyn, PA 19312 has applied to discharge stormwater from a construction activity located in Concord and Chester Heights Townships, **Delaware County**, to the west branch of Chester Creek.

*Franklin County Conservation District, District Manager, 550 Cleveland Avenue, Chambersburg, PA 17201, telephone (717) 264-8074.*

**NPDES Permit PAS10M094.** Stormwater. **Rick Willis and Associates**, 10025 Governor Warfield Parkway, Suite 307, Columbia, MD 21044 has applied to discharge stormwater from a construction activity located in Guilford Township, **Franklin County**, to Conococheague Creek.

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

**NPDES Permit PAS10Q108.** Stormwater. **Shepherd Oaks UCC**, 4308 Glenwood Drive, Emmaus, PA 18049 has applied to discharge stormwater from a construction

activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

*Montgomery County Conservation District, District Manager, 1015 Bridge Road, Collegetown, PA 19426, telephone (610) 489-4506.*

**NPDES Permit PAS10T029.** Stormwater. **Blue Bell Country Club LP**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006 has applied to discharge stormwater from a construction activity located in Whitpain Township, **Montgomery County**, to UNT to Wissahickon and Stoney Creeks.

**NPDES Permit PAS10T062.** Stormwater. **K. Hovnanian at Perkiomen II Inc.**, 207 Hackney Lane, Schwenksville, PA 19473 has applied to discharge stormwater from a construction activity located in Perkiomen Township, **Montgomery County**, to Schoolhouse Run.

*Wayne County Conservation District, District Manager, 470 Sunrise Avenue, Honesdale, PA 18431, telephone (717) 253-0930.*

**NPDES Permit PAS107412.** Stormwater. **Hamlin Raceway**, P. O. Box 808, Hamlin, PA 18427 has applied to discharge stormwater from a construction activity located in Salem Township, **Wayne County**, to Wallenpaupack Creek.

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

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

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

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

**WQM Permit No. 2096402.** Sewage, **City of Meadville**, 984 Water Street, Meadville, PA 16335 is for

the replacement of 300 LF of sanitary sewer pipe located on Terrace Street in Meadville, **Crawford County**.

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

**A. 2179410.** Sewage (96-1), amendment, **Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013 in North Middleton Township, **Cumberland County** to construct a Reed Bed Sludge Drying Facility was received in the Southcentral Region on February 27, 1996.

**A. 2196401.** Sewage, **P.C.S. Chadaga**, 110 Inverness Drive, Blue Bell, PA 19422 in North Middleton Township, **Cumberland County** to construct a wastewater treatment facility to serve Harmony Estates Mobile Home Park was received in the Southcentral Region on February 28, 1996.

**A. 0196401.** Sewage, **Pike Management**, 4 Lemoyne Drive, Lemoyne, PA 17043 in Straban Township, **Adams County** to construct wastewater treatment facility to serve the Castle Hill Mobile Home Park was received in the Southcentral Region on February 28, 1996.

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

**A. 2696402.** Sewerage, **Doug Cortea**, 101 Franklie Lane, Leisenring, PA 15455. Application for construction and operation of sewers and appurtenances, sewage treatment plant, and outfall and headwall to serve the Divito Park Sewage Treatment Facility located in the Township of Dunbar, **Fayette County**.

**A. 6396404.** Sewerage, **North Strabane Township Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317. Application for the construction and operation of the Route 19 Interceptor Sewer located in the Township of North Strabane, **Washington County**.

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

*Southcentral Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.*

**A. 0796501.** Public water supply. **Hollidaysburg Borough Authority**, Municipality: Hollidaysburg, **Blair County**. (Richard A. Mingle, Chairperson, 401 Blair Street, Hollidaysburg, PA 16648), construction and operation of one booster pump station; one chlorine booster facility and one combination booster pump and chlorine booster station, (David R. Stiffler, P.E., Stiffler, McGraw and Associates, Inc., 19 N. Juniata St., P. O. Box 462, Hollidaysburg, PA 16648).

*Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

**A. 4396502.** **Greystone Country Estates Personal Care Home**, 424 Delaware Road, Fredonia, PA 16124. This proposal involves a new dug well with an ultraviolet purifier and iron filter to serve the Greystone Country Estates facilities in Delaware Township, **Mercer County**.

**A. 4296501.** **Mt. Jewett Borough Authority**, 1 Center Street, Box 441, Mt. Jewett, PA 16740. This proposal involves the construction of a new well (no. 9), replace the pumps in existing wells no. 5 and no. 6 with new submersible pumps, add a manganese filtration system,



replace the existing duplex booster pumps and add new duplex pumps for the filtration system in Mt. Jewett Borough, **McKean County**.

*Bureau of Water Supply and Community Health, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105, contact person: Godfrey C. Maduka, (717) 787-9037.*

**A. 9996259. Great Spring Waters of America, Inc.**, Route 4, Box 3130, Oakland, MD 21550; Tom Eder, Plant Manager. Applicant requests a major permit amendment to their public water supply permit to add a new production borehole at their Boiling Spring source located in Oakland, Maryland. Water from this source will be used to bottle their Great Buy Spring Water, Great Buy Distilled Water, Tyler Mountain Spring Water, Tyler Mountain Distilled Water, Deer Park Spring Water and Deer Park Distilled Water brands to be sold in Pennsylvania.

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

**4096501.** Public water supply. **Hazleton City Authority Water Department**, Hazleton Division, c/o John Synoski, Schumacher Engineering, 55 North Conahan Drive, Hazleton, PA 18201. This proposal involves the construction of a new 5.2 mgd pumping station to replace the existing pump station at the Dreck Creek Reservoir. This pump station has the capability of repumping water from the Lehigh River Pump Station and/or withdrawing water from the Lower Dreck Creek Reservoir. No treatment will be provided at this pump station. It is located in Hazle Township, **Luzerne County**.

**4596501.** Public water supply. **Tobyhanna Army Depot**, c/o Thomas Wildoner, Environmental Protection Specialist, Tobyhanna Army Depot, 11 Hap Arnold Blvd., Tobyhanna, PA 18466. This proposal involves addition of chemicals such as caustic soda, lime, sodium bicarbonate and zinc orthophosphate in an intent to reduce lead and copper corrosion in the system. It is located in Tobyhanna Township, **Monroe County**.

#### **Acknowledgment of Notices of Intent to Remediate**

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

For further information concerning the content of a Notice of Intent to Remediate, please contact the Depart-

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

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

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

**Former Hays Army Ammunition Plant** (to be operated as Galvtech Steel Coil Galvanizing Facility) City of Pittsburgh, **Allegheny County**. Former Hays Army Ammunition Plant (to be operated as Galvtech Steel Coil Galvanizing Facility), 300 Mifflin Road, Pittsburgh, PA 15207 has submitted a Notice of Intent to Remediate soil, surface water, sediment contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard.

**Norwin Dodge Facility**, North Huntingdon Township, **Westmoreland County**. Norwin Dodge Facility, 13230 Lincoln Highway, North Huntingdon Township, PA 15642 has submitted a Notice of Intent to Remediate soil contaminated with solvent, BTEX and PHCs. The applicant proposes to remediate the site to meet the site-specific standard.

#### **Notice of Administrative Record Reopening 35 P. S. § 6020.505(b) Prompt Interim Response**

Shaler/J.T.C. Site  
Bruin Borough, Butler County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is reopening the administrative record for its interim response action at the Shaler/J.T.C. Site (Site).

The Department opened the administrative record for this Site on August 13, 1994, under section 506 of HSCA (35 P. S. § 6020.506), to provide the public the opportunity to comment on the prompt interim response that had been selected by the Department for implementation at the Site. The public comment period ended on November 11, 1994.

The Department is now reopening the administrative record so that it can include in the record:

(a) consistent with 35 P. S. § 6020.506(g)(1), additional information the Department obtained during the implementation of its interim response action and believes to be of central relevance to the selected action; and

(b) consistent with 35 P. S. § 6020.506(g)(3), documentation of its response costs.

The additional information to be included in the administrative record regarding the Department's interim response costs is available for public review and comment. The additional information to be included in the administrative record is located at the Department's Northwest Regional Office, located at 230 Chestnut Street, Meadville, PA 16335-3481, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Persons who desire to review the additional information, please telephone Pam Foulk in the Northwest Regional Office Records Center (telephone (814) 332-6340). A duplicate of the additional information is also available for public

review and comment from 8 a.m. to 4 p.m., at the Department's Southwest Regional Office at 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Please telephone Ed Duval beforehand for an appointment (telephone (412) 442-4000).

The additional information to be included in the administrative record will be open for review and comment for 60 days from the date of publication of this Notice in the *Pennsylvania Bulletin*, until May 10, 1996. Persons may submit written comments regarding the new information to the attention of James W. Weaver at the Department's Northwest Regional Office.

If requested, the Department will conduct a public hearing where persons may present oral comments regarding the new administrative record information, for inclusion of those comments in the administrative record. A request for a public hearing must be made in writing and must be postmarked no later than 30 days before the end of the public comment period. The request should be mailed to James W. Weaver at the Department's Northwest Regional Office. A public hearing will not be held if the Department does not receive a written request by the specified date.

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#### **Notice of Settlement Under the Hazardous Sites Cleanup Act**

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Jacksonville Road [Raymark] Site  
Hatboro, Pennsylvania, As It Relates To The  
Hatboro Borough Authority's Water System  
Hatboro Borough, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), hereby gives notice that a prospective purchaser agreement (PPA) associated with the purchase of the Hatboro Borough Authority's Water System (Water System) which is impacted by the Jacksonville Road [Raymark] Site, is to be executed by the Department, the United States Environmental Protection Agency and Philadelphia Suburban Water Company (PSWC).

The Jacksonville Road [Raymark] Site (Site) is on the National Priorities List and is currently undergoing remediation. A portion of the Water System is being used to implement the remedy selected for the Site. PSWC, the prospective purchaser of the Water System is not presently a responsible person who is liable for response costs at the Site. However, if PSWC acquires the Water System, it could potentially become responsible as an owner, under section 701 of HSCA and section 107 of CERCLA (the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C.A. §§ 9601 *et seq.*).

The PPA would resolve certain potential Department claims under section 507 of HSCA (35 P. S. § 6020.507) against PSWC, the prospective purchaser of the Hatboro Borough Authority Water System. The PPA would require PSWC to pay \$60,000 to the United States, \$12,000 to the Commonwealth, provide Site access, cooperate fully with all response activities, and exercise due care to protect the public health and safety at the Site. Upon submitting this payment under the final PPA, PSWC resolves its liability with the Department and is eligible for contribution protection under HSCA regarding matters addressed in the PPA, as provided in section 705(c)(2) of HSCA (35 P. S. § 6020.705(c)(2)).

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section also provides that the PPA

will become final upon the filing of the Department's response to any significant written comments. The PPA that contains the specific terms of the settlement is available for public review and comment. The PPA can be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting Thomas Sheehan at (610) 832-6149. The public comment period on the PPA will extend until May 15, 1996. Persons may submit written comments regarding the PPA to the Department by that date by submitting them to Thomas Sheehan at the above address.

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#### **Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Bio-Oxidation, Inc.**, 120 East Grant Street, License No. **PA-HC 0185**; application received March 4, 1996.

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#### **Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) covering general permits for the processing of infectious or chemotherapeutic waste.**

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*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.*

**General Permit Application No. WMGI007. Sterile Technology Industries, Inc.**, R. R. 1, Box 364, Morgantown, PA 19543. An application for processing infectious waste using sodium hypochlorite and low pressure steam.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

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#### **Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

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*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **23-315-006**  
 Source: No. 16 Paper Machine Dryer  
 Company: **Scott Paper Company**  
 Location: Chester  
 County: **Delaware**

**Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**19-318-019A.** The Department intends to issue an operating permit to **Strick Corporation** (P. O. Box 388, Berwick, PA 18603) for the operation of a surface coating operation in Berwick Borough, **Columbia County**.

**OP-17-0002.** The Department intends to issue an operating permit to **Rescar, Inc. of Pennsylvania** (7702 FM 1960 East, Suite 232, Humble, TX 77346) for the operation of railcar cleaning and surface coating operations in the City of DuBois, **Clearfield County**. This operating permit will establish a "synthetic minor" with respect to the Department's reasonably available control technology (RACT) regulations.

**OP-14-0005.** The Department intends to issue an operating permit to the **Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001-0598) for the operation of three bituminous coal-fired boilers and four diesel-fired emergency generators at SCI Rockview in Benner Township, **Centre County**. This operating permit will establish a "synthetic minor" with respect to the Department's reasonably available control technology (RACT) regulations.

**Applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**49-313-035J.** Modification of a pharmaceutical manufacturing process facility (Primaxin) by **Merck and Company, Inc.** (P. O. Box 600, Danville, PA 17821) in Riverside Borough, **Northumberland County**.

**49-309-007I.** Installation of an air cleaning device (a fabric collector) on a cage mill, screen and associated conveyors by **Meckley's Limestone Products, Inc.**, (R. D. 1, Box 950, Herndon, PA 17830) in Lower Mahanoy Township, **Northumberland County**. The screen and

conveyors are subject to Subparts OOO of the Federal Standards of Performance for New Stationary Sources.

**59-304-002I.** Installation of an air cleaning device (a fabric collector) on casting vibratory conveyors and associated operations by **Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912) in Blossburg Borough, **Tioga County**.

**55-318-007C.** Construction of a manual spray booth and a Cefla automatic wood kitchen cabinet finishing system to be controlled by an existing air cleaning device (a thermal fume incinerator) by **Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) in Middlecreek Township, **Snyder County**.

**OP-53-0007B.** Modification of two 720 horsepower natural gas-fired reciprocating engines by **National Fuel Gas Supply Corporation** (P. O. Box 2081, Erie, PA 16512) at the East Fork Compressor Station in Wharton Township, **Potter County**.

**Reasonably Available Control Technology; Public Hearings**

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

Simpson Paper Company (Whitemarsh Township, Montgomery County)

Chevron USA Products Company (Tinicum Township, Delaware County)

Jefferson Smurfit Corporation (Upper Gwynedd Township, Montgomery County)

Worthington Steel Company (East Whiteland Township, Chester County)

Chevron USA Products Company (Darby Township, Delaware County)

DEP 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 any 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 U. S. Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

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

*Simpson Paper Company (Operating Permit CP-46-0042A)*

Source	NOx Emission Limit	Control Device	Implementation Schedule
Union Ironworks Boiler	0.1 lb/MMBtu (natural gas) 0.35 lb/MMBtu (No. 6 fuel oil)	Low NOx Burners	Upon Restart
Edgemore Boiler	0.14 lb/MMBtu (natural gas) 0.44 lb/MMBtu (No. 6 fuel oil)	Combustion Tuning	Amended Limit

This facility is not a major VOC emitter.

*Chevron USA Products Company* (Operating Permit OP-23-0010)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Equipment Leaks	6	Leak Detection and Repair	May 31, 1996
Tanker Ballasting	322	Vapor Recovery	Implemented

This facility is not a major NOx emitter

*Jefferson Smurfit Corporation* (Operating Permit OP-46-0062)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Manual Cleanup Operations	21.4	Work Practices	Implemented

This facility is not a major NOx emitter.

*Worthington Steel Company* (Operating Permit OP-15-0016)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Coil Coating Line Cleaning	2.7	Non-VOC solutions	Implemented
Cleaning Operation	2.7	Work Practices	Implemented

This facility is not a major NOx emitter.

*Chevron USA Products Company* (Operating Permit OP-23-0011)

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Equipment Leaks	6	Leak Detection and Repair	May 31, 1996

This facility is not a major NOx emitter.

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 April 15, 1996, 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 DEP 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 April 15, 1996.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the DEP Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6268.

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

- The Hon Company, Division of Hon Industries, Inc., City of Williamsport, Lycoming County.
- CNG Transmission Corporation, Harrison Compressor Station, Harrison Township, Potter County.

The Department of Environmental Protection has made a preliminary determination to approve Reasonably Available Control Technology (RACT) plans and amendments to the State Implementation Plan (SIP) for the above listed facilities.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in the RACT approvals for the 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 U. S. Environmental Protection Agency (EPA) as revisions to Pennsylvania's State Implementation Plan.

*The Hon Company*

The Hon Company operates a wood furniture manufacturing facility. The following is a summary of the preliminary volatile organic compound (VOC) RACT determination for this facility:

- Use of sealers having a volatile organic compound content no greater than 2.3 pounds per pound of coating solids.
- Use of topcoats having a volatile organic compound content no greater than 2.0 pounds per pound of coating solids.
- Use of sap stains having a volatile organic compound content no greater than .20 pound per gallon of stain (minus water).
- Use of stains, other than those qualifying as sap stains, having a volatile organic compound content no greater than 6.8 pounds per gallon of stain (minus water).
- Use of UV cure roll coater for finishing drawer components.

*CNG Transmission Corporation, Harriston Station*

CNG Transmission Corporation operates a gas compressor station identified as the Harrison Station. The main sources for which a RACT determination is being made are 6 natural gas-fired reciprocating internal combustion engines. The following is a summary of the preliminary nitrogen oxides (NOx) RACT determination for these sources:

<i>Source</i>	<i>Control technology</i>	<i>NOx emission limits</i>
five 2,000 horsepower Clark TLA-6 engines	low emission combustion retrofit kits	30.9 pounds per hour (each) at full load, full speed and 39.7 pounds per hour (each) never to be exceeded at any time
one 1,100 horsepower Clark HBA-5 engine	ignition retarded 4° relative to standard timing	63.78 pounds per hour never to be exceeded at any time

The following is a summary of the preliminary volatile organic compound (VOC) RACT determination for these engines:

<i>Source</i>	<i>Control technology</i>	<i>VOC emission limits</i>
five 2,000 horsepower Clark TLA-6 engines	None	2.5 pounds per hour (each) at full load, full speed and 3.7 pounds per hour (each) never to be exceeded at any time
one 1,100 horsepower Clark HBA-5 engine	None	1.33 pounds per hour not to be exceeded at any time

In addition to a plan approval and an operating permit, the Department also proposes to issue a compliance permit to CNG Transmission Corporation for the respective facility. The purpose of the compliance permit is to allow CNG to continue to operate the facility until RACT has been implemented.

One public hearing will be held for the purpose of receiving comments on the proposed plan approval, operating permits, compliance permit and SIP revisions. The hearing will be held on March 28, 1996, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to Joseph Cooper, Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by April 12, 1996.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

**Notice of Plan Approval Application Minor Source**

The following stationary sources have filed a request for a plan approval with the Department of Environmen-

tal Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

*Regional Office: Northwest Regional Office, Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.*

**37-309-049.** The Department received a plan approval application from **Universal Refractories, Inc.** (915 Clyde St., P. O. Box 97, Wampum, PA 16157-0097) for the installation of a fabric filter collector and operation of four refractory drying ovens (three @ 10 MMBTU/hr, one @ 5 MMBTU/hr) in Wampum, **Lawrence County**.

Under Act 181 of 1984, the Department of Environmental Protection gives notice of an unsolicited proposal received from **Fieg Brothers** of Stoystown, PA, to reclaim an abandoned surface mine in Brothers Valley Township, **Somerset County**. The Department intends to enter into negotiations with Fieg Brothers to contract for site reclamation.

The project, **BF 388-101.1**, involves reclamation of the area mined by Delta Mining where bonds were forfeited by the Department under Permit Number SMP 56793053.

Fieg Brothers proposes to backfill, regrade and revegetate 18.3 acres. All areas will be regraded to promote surface drainage.

All interested parties should send comments to Richard L. Joyce, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., April 9, 1996.

#### MINING ACTIVITY APPLICATIONS

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

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

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

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

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal confer-

ence must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

#### *Coal Applications Received*

**32960102. John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711), commencement, operation and restoration of bituminous strip-auger mine in Canoe Township, **Indiana County**, affecting 262.0 acres, receiving stream unnamed tributaries of Canoe Creek to Canoe Creek to Mahoning Creek, application received February 12, 1996.

**11960102. Dunamis Resources, Inc.** (R. D. 4, Box 1542, Homer City, PA 15748), commencement, operation and restoration of bituminous strip-coal refuse reprocessing surface mining-auger-fly ash placement mine in South Fork Borough; Adams Township, **Cambria County**, affecting 212 acres, receiving stream South Fork Branch of Little Conemaugh River, application received February 13, 1996.

**32900107.** Permit renewal, **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15771), commencement, operation and restoration of bituminous strip mine in Rayne Township, **Indiana County**, affecting 128.1 acres, receiving stream Rayne Run and unnamed tributaries to Rayne Run, application received February 16, 1996.

**32960103. Kraynak Coal Company** (R. D. 1, Box 158, Mahaffey, PA 15757), commencement, operation and restoration of bituminous strip-auger mine in Grant and Green Townships, **Indiana County**, affecting 329.7 acres, receiving stream unnamed tributaries of East Run and Little Mahoning Creek to Little Mahoning Creek to Mahoning Creek and unnamed tributaries of north branch of Two Lick Creek to Two Lick Creek, application received February 14, 1996.

**32850109.** Permit renewal, **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of bituminous strip mine in Buffington Township, **Indiana County**, affecting 388.4 acres, receiving stream unnamed tributary to/and Mardis Run, application received February 20, 1996.

**56830114.** Permit renewal, **Hilltop Mining, Inc.** (R. D. 4, Box 83C, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Summit Township, **Somerset County**, affecting 106.92 acres, receiving stream unnamed tributary to Bigby Creek, Bigby Creek and unnamed tributary to Casselman River, application received February 21, 1996.

**11900106.** Permit renewal, **Cloe Mining Company, Inc.** (P. O. Box 247, Barnesboro, PA 15714), commencement, operation and restoration of bituminous strip mine in West Carroll and Barr Townships, **Cambria County**, affecting 181.0 acres, receiving stream Hoppel Run; an unnamed tributary to the west branch Susquehanna River; and to the west branch Susquehanna River, application received February 22, 1996.

**56950106. Zubek, Inc.** (888 Main Street, Central City, PA 15926), commencement, operation and restoration of a bituminous strip mine, coal refuse reprocessing in Stonycreek Township, **Somerset County**, affecting 122.0 acres, receiving stream unnamed tributaries to Schrock

Run and Schrock Run, application received August 2, 1995, permit issued February 21, 1996.

**32950106. Doverspike Brothers Coal Company** (R. D. 4, Box 271, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous strip mine in West Mahoning Township, **Indiana County**, affecting 130 acres, receiving stream unnamed tributary Mahoning Creek, unnamed tributary to Little Mahoning Creek, application received August 12, 1995, permit issued February 22, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**17960102. M. R. Hainsey Contracting, Inc.** (R. D. 2, Box 57, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 70.1 acres, receiving streams unnamed tributary to Pine Run, Pine Run, unnamed tributary to Trout Run, application received February 12, 1996.

**17960103. BBC Coal Company** (P. O. Box 249, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Bloom Township, **Clearfield County** affecting 79.5 acres, receiving streams unnamed tributary to Bilger Run, application received February 12, 1996.

**17960104. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine-auger permit in Beccaria Township, **Clearfield County** affecting 79.0 acres, receiving streams Cofinan Run to Clearfield Creek to west branch Susquehanna River, application received February 12, 1996.

**17850135. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Penn Township, **Clearfield County** affecting 189.6 acres, receiving streams unnamed tributaries to Fenton Run and unnamed tributary to Kratzer Run to Anderson Creek to west branch Susquehanna River, application received February 12, 1996.

**17910110. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Bell Township, **Clearfield County** affecting 232.8 acres, receiving streams Martin Run and its tributary and unnamed stream, tributary to west branch of the Susquehanna River, application received February 12, 1996.

**17900139. Waroquier Coal Company** (P. O. Box 128, 133 W. Fifth Avenue, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit, Jordan Township, **Clearfield County** affecting 30 acres, receiving streams Potts Run, application received February 12, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**49960201. Split Vein Coal Company, Inc.** (R. R. 1, Box 1027, Paxinos, PA 17860), commencement, operation and restoration of a coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 77.5 acres, receiving stream Locust Creek and Mahanoy Creek. Application received February 22, 1996.

**54890102T. White Pine Coal Company, Inc.** (P. O. Box 59, Ashland, PA 17921-0059), transferred from CLS

Coal Company in Reilly and Foster Townships, **Schuylkill County** affecting 729.7 acres, receiving stream Muddy Branch Creek and Pollys Creek. Application received February 21, 1996.

**40663026C3. No. 1 Contracting Corporation**, (800 Exeter Avenue, West Pittston, PA 18643), correction to an existing anthracite surface mine and fly ash disposal operation for an additional fly ash source (Northampton Generating Company) in Hazle Township, **Luzerne County** affecting 151.0 acres, receiving stream none. Application received February 16, 1996.

**40663023C. Pagnotti Coal Company**, (800 Exeter Avenue, West Pittston, PA 18643), correction to an existing anthracite surface mine and fly ash disposal operation for an additional fly ash source (Northampton Generating Company) in Hazle Township, **Luzerne County** affecting 640.0 acres, receiving stream none. Application received February 16, 1996.

**54861309R2. Wenrich Coal Co.**, (HCR 1, Box 32, Spring Glen, PA 17978), renewal of an existing anthracite deep mine operation in Hegins Township, **Schuylkill County** affecting 3.9 acres, receiving stream west branch Rausch Creek. Application received February 20, 1996.

**54851305R2. D. and F. Deep Mine Coal Co.**, (P. O. Box 369, Minersville, PA 17954), renewal of an existing anthracite deep mine operation in Cass and New Castle Townships, **Schuylkill County** affecting 1.1 acres, receiving stream west branch Rausch Creek. Application received February 20, 1996.

**49663004R2. Reading Anthracite Company**, (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 2,222.0 acres, receiving stream Zerbe Run. Application received February 21, 1996.

**54910202R. AEI Energy**, (P. O. Box 141, Girardville, PA 17935), renewal of an existing anthracite surface mine operation in Butler and West Mahanoy Townships, **Schuylkill County** affecting 703.0 acres, receiving stream none. Application received February 21, 1996.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**56841611. Intercarbon Coal Company**, (c/o Nick Angell, 230 Park Avenue, New York, NY 10169), to renew the permit for the Intercarbon Prep Plant in Shade Township, **Somerset County**, no additional discharge. Application received January 29, 1996.

**63733706. Maple Creek Mining, Inc.**, (29525 Chagrín Blvd., Suite 111, Pepper Pike, OH 44122), to renew the permit for the Gingerhill Refuse Area I in Nottingham Township, **Washington County**, no additional discharge. Application received February 7, 1996.

**63723707. Maple Creek Mining, Inc.**, (29525 Chagrín Blvd., Suite 111, Pepper Pike, OH 44122), to renew the permit for the Gingerhill Refuse Area II in Carroll and Nottingham Townships, **Washington County**, no additional discharge. Application received February 7, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Noncoal Applications Received*

**40960301. Cremard Brothers**, (1302 South Main Street, Old Forge, PA 18518), commencement, operation

and restoration of a large noncoal topsoil operation in Duryea Borough, **Luzerne County**, affecting 11.4 acres, receiving stream Susquehanna and Lackawanna River. Application received February 14, 1996.

**40960302. Hanover Nursery**, (5 Crystal Street—Hanover Green, Wilkes-Barre, PA 18702), commencement, operation and restoration of a large noncoal operation in Plymouth Township, **Luzerne County**, affecting 192.6 acres, receiving stream Susquehanna River. Application received February 15, 1996.

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection.

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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

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*Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E07-252. Encroachment. Woodbury Township Supervisors**, R. R. 2, Box 234, Williamsburg, PA 16693. To remove an existing bridge and to construct and maintain a single span concrete box beam bridge having a span of 35 feet and a minimum underclearance of about 2 feet across Piney Creek for maintenance purposes located on Township Road T-431 at the Village of Wertz (Williamsburg, PA Quadrangle N: 14.7 inches; W: 17.7 inches) in Woodbury Township, **Blair County**.

**E21-244. Encroachment. Cumberland County Commissioners**, One Courthouse Square, Carlisle, PA 17013. To maintain an existing four-span County Bridge having a total length of 298 feet over Conodoguinet Creek on Bernheisel Road (T-574), and to construct and maintain a 5-foot wide pedestrian bridge to be attached to this existing bridge by means of brackets located about 1.7 miles south of Donnellytown Village (Wertzville, PA Quadrangle N: 1.8 inches; W: 14.4 inches) in Middlesex Township, **Cumberland County**.

**E21-245. Encroachment. Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013. To construct and maintain a reed bed sludge drying facility along the right bank's 100-year floodplain of the Conodoguinet Creek located in the vicinity of the existing wastewater treatment plant 1,000 feet downstream of PA 34 (Carlisle, PA Quadrangle N: 20.38 inches; W: 7.25 inches) in North Middleton Township, **Cumberland County**.

**E31-126. Encroachment. Miller Township Supervisors**, R. R. 2, Box 8A, Huntingdon, PA 16652. To remove three 48-inch diameter C.M.P. culverts and to construct and maintain a 117-inch × 79-inch C.M.P. pipe arch culvert in east branch of Standing Stone Creek located on Township Road 486 immediately upstream from the confluence of east branch of Standing Stone Creek and Standing Stone Creek (Allensville, PA Quadrangle N: 14.7 inches; W: 15.1 inches) in Miller Township, **Huntingdon County**.

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

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*DEP Central Office, Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

**EA06-005C0. Environmental assessment. Wingo Development Corporation**, R. D. 2, Box 2000, Building A-1, Reading, PA 19605. To construct and maintain a nonjurisdictional dam (Basin 1) across a tributary to Manatawny Creek (CWF) impacting a de minimus area of wetlands (PEM) equal to 0.04 acre for the purpose of stormwater management at the proposed Haas Farm Subdivision located approximately 1,600 feet northwest of the intersection of State Route 662 and Old Airport Road (Boyertown, PA Quadrangle N: 9.85 inches; W: 15.75 inches) in Amity Township, **Berks County**.

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

**E39-306. Encroachment. City of Allentown**, 435 Hamilton Street, Allentown, PA 18101. To construct and maintain two 42-inch diameter stormwater outfalls and 280 L. F. of associated stormsewer at two separate locations in the floodway of the Lehigh River. These projects are located approximately 550 feet west of the intersection of East Walnut and Albert Streets and approximately 200 feet west of Sterner Island, south of the Allentown Rail Yards (Allentown East, PA Quadrangle N: 18.5 inches; W: 10.8 inches and N: 19.4 inches and W: 7.8 inches) in City of Allentown, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

**E48-232. Encroachment. City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018. To remove the existing three-span structure and to construct and maintain a two-span concrete adjacent box beam bridge having normal spans of 55.65 feet and an average underclearance of approximately 6.15 feet on a 54 degree skew



across Monocacy Creek (HQ-CWF). The bridge is located along S. R. 1002 (West Union Boulevard) (Catasauqua, PA Quadrangle N: 0.1 inch; W: 1.5 inches) in the City of Bethlehem, **Northampton** and **Lehigh Counties** (Philadelphia District, Army Corps of Engineers).

**E48-233.** Encroachment. **Kerry R. Gassler**, 62 North Broadway, Wind Gap, PA 18091. To place and maintain fill in approximately 0.75 acre of the reservoir of an existing dam situated on an unnamed tributary to Little Bushkill Creek and to construct a dry stone masonry wall along the new reservoir rim. The project is located approximately 300 feet southwest of the intersection of S. R. 512 and S. R. 1007 (Wind Gap, PA Quadrangle N: 17.9 inches; W: 5.9 inches) in Wind Gap Borough, **Northampton County** (Philadelphia District, Army Corps of Engineers).

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**E03-355.** Encroachment. **Department of Transportation**, P. O. Box 429, Indiana, PA 15701. To remove existing structure known as Gastown Bridge and to construct and maintain a reinforced concrete box culvert 13-feet wide by 6-feet high to carry S. R. 2001 over an unnamed tributary to Cessna Run (Elderton, PA Quadrangle N: 17.5 inches; W: 9.55 inches) in Plumcreek Township, **Armstrong County**.

**E04-145-A1.** Encroachment. **Campbell Transportation Co., Inc.**, P. O. Box 124, Charleroi, PA 15022. To amend and extend the time on Permit No. E04-145 to perform commercial dredging in the New Cumberland Dam Pool between Mile Marker 35.0 and 39.5 in the Ohio River. The sites are located in Ohioville Borough, Glasgow Borough, Industry Borough, Shippingport Borough, Georgetown Borough, Greene Township, and Midland Borough in **Beaver County**.

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

**E46-734.** Encroachment. **Ambler Borough**, 122 East Butler Avenue, Ambler, PA 19002. To remove 100 linear feet of existing 10.0 foot by 4.0 foot of deteriorated concrete channel along Stuart Farm Creek (TSF) and to construct and maintain a reinforced concrete box stream enclosure, of like dimensions, in its place. This project is situated approximately 70 feet south and 50 feet east of the intersection of South Main Street and Church Street (Ambler USGS Quadrangle N: 3.9 inches; W: 13.0 inches) in Ambler Borough, **Montgomery County**.

**EA15-002SE.** Encroachment. **Richard Guarini, P.E.**, Clocktower Woods, LTD, P. O. Box G, Exton, PA 19341. Environmental Assessment. To construct and maintain a nonjurisdictional dam (Stormwater Detention Basin A) across headwaters of an unnamed tributary to Ridley Creek (HQ-TSF) impacting 0.13 acre of wetlands (PEM) for the purpose of stormwater management and roadway access at the Clocktower Woods Subdivision (formerly Bow Tree Phase IV). The work also includes replacing the impacted wetlands at a 1:1 ratio. The nonjurisdictional dam is located along Jamestown Way, 1,050 feet south of the intersection of Clocktower Drive and Jamestown Way in East Goshen Township, **Chester County** (West Chester Quadrangle N: 21.0 inches; W: 5.0 inches).

**E46-735.** Encroachment. **Douglass Murray**, Three Tower Bridge Associates, 100 West Front Street, West Conshohocken, PA 19428. To excavate, construct and maintain a portion of a parking area and a 10 foot riverside walkway within the floodway of the Schuylkill River located approximately 1,400 feet downstream of the Fayette Street Bridge at the terminus of Ash Street (Norristown, PA Quadrangle N: 12.4 inches; W: 7.65 inches) in Conshohocken Borough, **Montgomery County**.

*Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.*

**E12-095.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 327, Emporium, PA 15834. To construct and maintain a 24 foot wooden footbridge across Sanders Draft, an HQ-CWF stream. This project impacts about 4 feet of stream with no wetland impacts and is located on Sanders Draft about 1 mile upstream of its confluence with Red Run (Driftwood, PA Quadrangle N: 4.6 inches; W: 15.25 inches) in Gibson Township, **Cameron County**.

**E12-096.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 327, Emporium, PA 15834. To construct and maintain a 22 foot wooden footbridge across Hunts Run, an HQ-CWF stream. This project impacts about 4 feet of stream with no wetland impacts and is located on Hunts Run about 4 miles upstream of its confluence with the Driftwood Branch of the Sinnemahoning Creek (Wharton, PA Quadrangle N: 0.75 inch; W: 17.25 inches) in Lumber Township, **Cameron County**.

**E18-209.** Water obstruction and encroachment. **DCNR**, Bureau of State Parks, P. O. Box 8451, Harrisburg, PA 17105. Construct and maintain a water supply intake on the Kettle Creek Reservoir I Kettle Creek State Park and a distribution system that would include a utility line crossing through Bearfield Creek a tributary to Kettle Creek within the park for public recreation purposes (Hamersley Fork, PA Quadrangle N: 0.40 inch; W: 7.40 inches) in Liedy Township, **Clinton County**. The streams are classified as TSF/high quality and the disturbance is approximately 100 feet.

**E41-356.** Water obstruction and encroachment. **Lycoming County Water & Sewer Authority**, 48 W. Third St., Williamsport, PA 17701. To construct and maintain a 30 inch reinforced concrete outfall sewer pipe about 1,600 feet long in the floodplain of the west branch Susquehanna River, a WWF stream. This project should not impact wetlands and is located next to Tules Run about 0.25 mile from the west branch Susquehanna River (Muncy, PA Quadrangle N: 19.75 inches; W: 16.75 inches) in Fairfield Township, **Lycoming County**.

**E41-357.** Water obstruction and encroachment. **Pennsylvania Power and Light Co.**, 2 North 9th St., Allentown, PA 18101. Construct and maintain a 138/69 KV power line across the west branch Susquehanna River, a WWF stream, about 1 mile upstream of Linden, PA and across Larrys Creek, a WWF stream about 600 feet north of Rt. 220. This project is part of an upgrade to an existing line which runs from the Lycoming Substation in South Williamsport to the Jersey Shore Substation in Jersey Shore and includes pole replacement with some line relocation (Linden, PA Quadrangle N: 17.1 inches; W: 3.5 inches) in Susquehanna, Woodward and Pitatt Townships, **Lycoming County**.

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**Applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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*Southcentral Regional Office: Field Operations, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**WA 05-895.** Water allocation. **Bedford Township Municipal Authority, Bedford County.** The applicant is requesting the right to expand its service area to serve the Village of Cessna. This application does not include a request to increase the current quantity of allocation.

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### ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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 under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

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

**NPDES Permit No PA 0053635.** Industrial waste, **Mobil Oil Corporation**, 8 Malin Road, Frazer, PA 19406, East Whiteland Township, **Chester County**.

The following notice reflects changes to the notice published in the January 20, 1996, *Pennsylvania Bulletin*: The requirement to monitor for Total Recoverable Petroleum Hydrocarbons has been removed from the permit.

*Permits Issued*

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

**NPDES Permit No. PA 0221953.** Sewage. **Wilmington Township Supervisors**, Robison/Adams, SFTF, R. D. 5, Box 469, New Castle, PA 16105 is authorized to discharge from a facility located in Wilmington Township, **Lawrence County** to an unnamed tributary to the Shenango River.

**NPDES Permit No. PA 0038369.** Industrial waste. **Borough of Sharpsville**, 1 South Walnut Street, Sharpsville, PA 16150 is authorized to discharge from a facility located in Sharpsville Borough, **Mercer County** to the Shenango River.

**NPDES Permit No. PA 0020044.** Sewage. **Fredonia Municipal Authority**, 45 Water Street, Box 487, Fredonia, PA 16124 is authorized to discharge from a facility located in Fredonia Borough, **Mercer County** to Mill Run.

**NPDES Permit No. PA 0104175.** Industrial waste. **National Fuel Gas Supply Corporation**, Lamont Compressor Station, P. O. Box 2081, Erie, PA 16512 is authorized to discharge from a facility located in Jones Township, **Elk County** to Hoffman Run.

**NPDES Permit No. PA 0221961.** Sewage. **Timberlee Valley Sanitary Company, Inc.**, R. D. 3, Evans City, PA 16033 is authorized to discharge from a facility located in Connoquenessing Township, **Butler County** to Crab Run.

**NPDES Permit No. PA 0001945.** Industrial waste. **Medusa Cement Company**, 2001 Portland Park, Wampum, PA 16157 is authorized to discharge from a facility located in Wampum Borough, **Lawrence County** to Driver's Run (001 and 002) and an unnamed tributary to Beaver River (003, 004 and 005).

**NPDES Permit No. PA 0221571.** Industrial waste. **Loranger Corporation**, Loran Division, 2715 Pennsylvania Avenue, Warren, PA 16365 is authorized to discharge from a facility located in Conewango Township, **Warren County** to Morse Run.

*Permits Issued*

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

**NPDES Permit No. PA0002721.** Industrial waste, **Washington Steel Corporation**, Woodland and Griffith Avenue, Washington, PA 15301 is authorized to discharge from a facility located at Washington Steel Corporation, Canton Township, **Washington County** to Chartiers Creek.

**NPDES Permit No. PA0205231.** Amendment No. 1. Industrial waste, **Azcon Corporation**, 19th Street and Allegheny River, P. O. Box 7818, Sharpsburg, PA 15215 is authorized to discharge from a facility located at Sharpsburg Borough, **Allegheny County**.

**NPDES Permit No. PA0024481.** Sewage, **Borough of Meyersdale**, 151 Center Street, Meyersdale, PA 15552 is authorized to discharge from a facility located at Meyersdale STP, Meyersdale (Summit Township), **Somerset County** to Casselman River.

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**Notices of Intent for Coverage Under NPDES General Permit For Construction Activities and Department Final Actions**

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*Allegheny County Conservation District: District Manager, 875 Greentree Rd., Rm. 208, Acacia Bldg., Pittsburgh, PA 15220, telephone (412) 921-1999.*

*Berks County Conservation District: District Manager, P. O. Box 520, Ag. Ctr., Leesport, PA 19533, telephone (610) 372-4657.*

*Erie County Conservation District: District Manager, 12723 Rte. 19, P. O. Box 801, Waterford, PA 16441, telephone (814) 796-4203.*

*Franklin County Conservation District: District Manager, 550 Cleveland Ave., Chambersburg, PA 17201, telephone (717) 264-8074.*

*Huntingdon County Conservation District: District Manager, R. R. 1, Box 7C, Huntingdon, PA 16652, telephone (814) 627-1627.*

*Indiana County Conservation District: District Manager, 251 Rte. 286, N. Ag. Service Ctr., Indiana, PA 15701, telephone (412) 463-7702.*

*Jefferson County Conservation District: District Manager, R. R. 5, Service Ctr., Brookville, PA 15825, telephone (814) 849-7463.*

*Lawrence County Conservation District: District Manager, Gov. Service Ctr., 430 Ct. St., New Castle, PA 16101, telephone (412) 652-4512.*

*Luzerne County Conservation District: District Manager, Courthouse Annex, 5 Water Street, Wilkes-Barre, PA 18711, telephone (717) 825-1844.*

*Montgomery County Conservation District: District Manager, 1015 Bridge Rd., Ste. B Collegetown, PA 19426, telephone (610) 489-4506.*

*York County Conservation District: District Manager, 118 Pleasant Acres Rd., York, PA 17402, telephone (717) 840-7430.*

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A151	Rollins Leasing Corp. 1725 Washington Rd. Pittsburgh, PA 15241	Allegheny Co. Kennedy Twp.	UNT to Chartiers Crk.
PAR10C141	Rotary Park Assocs. 815 Washington St. Reading, PA 19601	Berks Co. L. Alsace Twp.	Schuylkill River
PAR10K059	John Maleno 2236 W. 38th St. Erie, PA 16506	Erie Co. Millcreek Twp.	UNT to Walnut Crk.
PAR10M110	Guarriello Partnership Nursery Supply 1415 Orchard Dr. Chambersburg, PA 17201	Franklin Co. Chambersburg B.	Conococheague Crk.
PAR10M111	Chiou Hog Farm 316 Hammonton Pl. Silver Spring, MD 20904	Franklin Co. Peters Twp.	Conococheague Crk.
PAR103004	New Enterprise Stone & Lime Co. P. O. Box 77 New Enterprise, PA 16664	Huntingdon Co. Warriors Mark Twp.	Logan Spring Run
PAR103124	Patsy Fallavollitti R. D. 2, Box 274-A Saltsburg, PA 15681	Indiana Co. White Twp.	UNT to Ramsey Run
PAR103315	DEP-BAMR P. O. Box 149 Ebensburg, PA 15931	Jefferson Co. Young Twp.	Elk Run
PAR103718	New Castle Sanitation Authority 110 E. Washington St. New Castle, PA 16101	Lawrence Co. City of New Castle	Mahoning River
PAR10R081	Eastern Consolidated Management Corp. 5520 Derry St. Harrisburg, PA 17111	Luzerne Co. Wright Twp.	Big Wapwallopen
PAR10T084	Fay Development/Merion P. O. Box 588 Royersford, PA 19468	Montgomery Co. Limerick Twp.	UNT to Brooke Evans Crk.
PAR10T258	Gambone Brothers 1030 W. Germantown Pke. Fairview Vlg., PA 19409	Montgomery Co. Douglass Twp.	Minister Crk.
PAR10Y205	Concord Road Assocs. 110 E. Princess St. York, PA 17403	York Co. Springettsbury Twp.	Kreutz Crk.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10Y195	Oak Ridge/Michael Manning & Assocs. 1706 Kathryn St. New Cumberland, PA 17070	York Co. Fairview Twp.	Marsh Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10-5304	Department of Transportation 200 Radnor-Chester Road St. Davids, PA 19087	City of Philadelphia Philadelphia County	Frankford Creek
PAR10-5308	Crown Cork and Seal Company, Inc. 9300 Ashton Road Philadelphia, PA 19136	City of Philadelphia Philadelphia County	Byberry Creek

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR800038	2	Guy Heavener, Inc. 480 School Lane Harleysville, PA 19438	Montgomery Lower Salford	West Branch Skippack Creek	4211
PAR800025	2	Browning Ferris Industries No. 626 Facility 731 East Reliance Road Telford, PA 18969	Bucks Hilltown	Mill Creek	4212
PAR110002	2	Ametek Incorporated 900 Clmyer Avenue Sellersville, PA 18960	Bucks Sellersville	Unnamed tributary to East Branch Perkiomen Creek	3823
PAR140001	2	3M Bristol P. O. Box 119 Bristol, PA 19007	Bucks Bristol	Mill Creek, Black Ditch Creek Unnamed Wetland	2672
PAR230045	2	Allied Signal, Inc. Margaret and Bermuda Streets Philadelphia, PA 19137-1193	Philadelphia Philadelphia	Frankford Creek	2869
PAR200001	2	Active Brass Foundry 330 Progress Avenue Telford, PA 18969	Bucks Hilltown	Unnamed tributary to Mill Creek	3365
PAR800037	2	Con-Way Central Express-XPB 184 East DeKalb Pike King of Prussia, PA 19406	Montgomery Upper Merion	Crow Creek	4213
PAR110031	2	Brooks Instrument 407 West Vine Street Hatfield, PA 19440	Montgomery Hatfield	Neshaminy Creek	3824

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**The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.**

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These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board (35 P. S. 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4028.*

*Northeast Regional Office: Regional Water Management Program Manager, Two Public Square, Wilkes-Barre, PA 18701-3296, telephone (717) 826-2553.*

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A079	Manor Development Group 109 Gateway Ave., Ste. 202 Wexford, PA 15090	Allegheny Co. Pine Twp.	N. Fork of Pine Creek
PAS10A080	Department of Transportation 45 Thoms Run Rd. Bridgeville, PA 15017	Allegheny Co. Collier, Kennedy and Robinson Twps.	Campbells Run and Chartiers Crk.
PAS10N015	Russell James R. R. 4 Moscow, PA 18444	Lackawanna Co. Springbrook Twp.	Spring Brook
PAS10Q050	Brookside Dev. Assocs. 975 Easton Rd. Warrington, PA 18976	Lehigh Co. L. Macungie Twp.	Cedar Crk.
PAS10Q097	Cedar Point Assocs. 945 Berksire Blvd. Wyomissing, PA 19610	Lehigh Co. City of Allentown	Cedar Crk.
PAS10Q099	C. Theodore and Patricia Blaisdell 1888 Bent Pine Hill Fogelsville, PA 18051	Lehigh Co. Weisenburg Twp.	Hassen Crk.
PAS10X056	R W S Development Co. R. D. 1, Box 61 Rillton, PA 15678	Westmoreland Co. Hempfield Twp.	UNT to LtI. Sewickley Crk.
PAS10X057	Linwood Inc. 460 Glenmeade Rd. Greensburg, PA 15601	Westmoreland Co. Hempfield Twp.	Jacks Run
PAS10A080	Department of Transportation 45 Thoms Run Rd. Bridgeville, PA 15017-2853	Collier Twp. Robinson Twp. Kennedy Twp.	Campbells Run and UNT and UNT to Chartiers Creek
PAS10U008-1	Upstream Farm Corporation, Inc. 2610 Bushkill Drive R. R. 2 Easton, PA 18042	Northampton Co. Forks Twp.	Bushkill Creek

*Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**PAS-10-C019.** Individual NPDES. **Grande Construction**, 424 Miller Road, Sinking Spring, PA 19608. To implement an erosion and sedimentation control plan for a residential development on 286 acres in Amity Township, **Berks County**. The project is located south of Route 562 approximately 4.5 miles west of Boyertown (Boyertown, PA Quadrangle N: 10.3 inches; W: 12.6 inches). Drainage will be to a tributary to Manatawny Creek.

**PAS-10-Y044.** Individual NPDES. **Silbaugh Investors L. P. No. 2**, 248 South Main Street, Shrewsbury, PA 17361. To implement an erosion and sedimentation control plan for a commercial development to be known as Shrewsbury Commons on 58 acres in Shrewsbury Township, **York County**. The project is located at the southwest corner of the intersection of Forrest Avenue (S. R. 0851) and Exit 1 of I-83 (Glen Rock, PA Quadrangle N: 3.3 inches; W: 6.2 inches). Drainage will be to Deer Creek.

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

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

**WQM Permit No. 3795405.** Sewage, **Wilmington Township Supervisors**, Robison/Adams SFSTF, R. D. 5, Box 469, New Castle, PA 16105. This permit is for the construction and operation of a small flow treatment facility located in Wilmington Township, **Lawrence County**.

**WQM Permit No. 2496401.** Sewage, **City of St. Marys**, Iron Run Sanitary Interceptor Sewer, 808 South Michael Road, P. O. Box 1994, St. Marys, PA 15857-1994. This permit is for the replacement of the Iron Run Interceptor Sewer in St. Marys, **Elk County**.

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

**Permit No. 466S15.** Amendment No. 2. Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642. Construction of Long Run Pump Station Detention Tanks, located in North Huntingdon Township, **Westmoreland County** to serve the Long Run Watershed.

**Permit No. 1169402.** Amendment No. 3. Sewerage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. Construction of sewage treatment plant located in Richland Township, **Cambria County** to serve the Ingleside STP-Expansion, Addition of Fourth Lagoon.

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

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*Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**Permit No. 1194501.** Public water supply. **Reade Township Municipal Authority**, P. O. Box 153, Glasgow, PA 16644.

*Type of Facility:* Well no. 2 (emergency use only), well no. 3.

*Consulting Engineer:* Smith Environmental Technologies Corporation, 777 Penn Center Boulevard, Pittsburgh, PA 15235.

*Permit to Operate Issued:* February 21, 1996.

**Permit No. 1188512-A1.** Public water supply. **Nagle's Trailer Court**, R. D. 1, Ebensburg, PA 15931.

*Type of Facility:* Additions to water system.

*Consulting Engineer:* James Kuncelman, 759 7th Street, Colver, PA 15927.

*Permit to Operate Issued:* February 22, 1996.

**Permit No. 1194501.** Public water supply. **Reade Township Municipal Authority**, P. O. Box 153, Glasgow, PA 16644.

*Type of Facility:* Well no. 4 (Muddy Run well no. 2).

*Consulting Engineer:* Smith Environmental Technologies Corporation, 777 Penn Center Boulevard, Pittsburgh, PA 15235.

*Permit to Operate Issued:* February 21, 1996.

**Permit No. 4871-A7.** Public water supply. **Municipal Authority of the Borough of Derry**, 620 North Chestnut Street, Derry, PA 15627.

*Type of Facility:* Potassium permanganate feeder and a 491,000 gallon water storage tank.

*Consulting Engineer:* Bankson Engineers, Inc., 100 Bje Run Road, P. O. Box 200, Indianola, PA 15051.

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**Acknowledgement of the Submission of Final Reports on Attainment of Background and Statewide Health Standards (sections 302(e)(2) and 303(h)(2)).**

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The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995 (P. L. 4, No. 2).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (the Act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environ-

mental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final report(s).

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

**CSX Grant Street Station**—Parcel One, City of Pittsburgh, **Allegheny County**. CSX Grant Street Station—Parcel One, c/o Marshall Williams 6737 Southpoint Drive, Suite 100, Jacksonville, FL 32216 has submitted a Final Report addressing soils contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

**Former Hays Army Ammunition Plant** (to be operated as Galvtech Steel Coil Galvanizing Facility), City of Pittsburgh, **Allegheny County**. Former Hays Army Ammunition Plant (to be operated as Galvtech Steel Coil Galvanizing Facility), 300 Mifflin Road, Pittsburgh, PA 15207 has submitted a Final Report addressing soil, surface water, sediment contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

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

**Olivett Property**, Emporium Borough, **Cameron County**. Bernal Olivett, 305 Howard Circle, Emporium, PA 15834 has submitted a Final Report addressing soil and groundwater contaminated with BTEX and lead. The report is intended to document remediation of the site to meet the Statewide health standard.

*Northwest Regional Office: John Fruehstorfer, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**National Forge Company**, Brokenstraw Township, **Warren County**, Charles P. Olson, One Front Street, Irvine, PA 16329 has submitted a Final Report to Remediate site soils contaminated with PCBs, lead, BTEX and PHCs at the former Brokenstraw Creek Bed Area. The report is intended to document remediation of the site to meet the Statewide health standard.

**National Forge Company**, Brokenstraw Township, **Warren County**, Charles R. Olson, One Front Street, Irvine, PA 16329 has submitted a Final Report to Remediate site soils contaminated with lead at the Electric Arc Furnace Baghouse area. The report is intended to document remediation of the site to meet the Statewide health standard.

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**License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regula-**

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**tions for license to transport hazardous waste.**


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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Barbish Environmental Services & Technology, Inc.**, d/b/a B.E.S.T., Route 22 East, P. O. Box 515, New Alexandria, PA 15670; License No. **PA-AH 0513**; license issued February 26, 1996.

**Rollins Chempak, Inc.**, 2200 Concord Pike, Wilmington, DE 19803; License No. **PA-AH 0514**; license issued February 26, 1996.

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**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**


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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Environmental Remediation Services, Inc.**, 465 Tresca Road, Jacksonville, FL 32225; License No. **PA-AH 0452**; license issued February 21, 1996.

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**Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**


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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Environmental Remediation Services, Inc.**, 465 Tresca Road, Jacksonville, FL 32225; License No. **PA-AH 0457**; amended license issued February 21, 1996.

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**Hazardous Waste Transporter License voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.**


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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Mr. Frank, Inc., c/o Clean Harbor Environmental Services, Inc.**, 325 Wood Road, Braintree, MA 02184; License No. **PA-AH 0359**; license terminated February 26, 1996.

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


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*Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516.*

**I. D. No. 600660. Henry Yeska Farm, Henry Yeska and Son, Inc.**, 831 Georgetown Road, Nazareth, PA 18064. A permit renewal for the agricultural utilization of sewage sludge at this site, located in Upper Nazareth Township, **Northampton County**. The permit renewal was issued by the Regional Office on February 23, 1996.

**I. D. No. 100265. Grand Central Sanitary Landfill**, 1963 Pen Argyl Road, Pen Argyl, PA 18072. A Major Permit Modification to revise the liner system profile on the floor of the landfill in the remaining Cells 6 through 9 of this Municipal Waste Landfill, located in Plainfield Township, **Northampton County**. The Side Slope Liner Design will remain the same. The Permit Modification was issued by the Regional Office on February 14, 1996.

**I. D. No. 603416. Kistler Farm, Browning-Ferris, Inc.**, BFI Organics, 1 Briar Lane, West Grove, PA 19390. A permit for the agricultural utilization of sewage sludge by this facility, located in Lynn and Albany Townships, **Lehigh and Berks Counties**. The permit was issued by the Regional Office on February 21, 1996.

**I. D. No. 603417. Bachman Farm, Browning-Ferris, Inc.**, BFI Organics, 1 Briar Lane, West Grove, PA 19390. A permit for the agricultural utilization of sewage sludge by this facility, located in Heidleberg Township, **Lehigh County**. The permit was issued by the Regional Office on February 21, 1996.

**I. D. No. 101615. Commonwealth Environmental Systems Landfill**, Commonwealth Environmental Systems, L.P., P. O. Box 249, Dunmore, PA 18512. A permit modification to modify the conditions of the existing permit of this Municipal Waste Landfill, located in Foster Township, **Schuylkill County**. The permit modification was issued by the Regional Office on February 26, 1996.

**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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*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

The Department has amended the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **23-301-111A**

Source: Hospital Waste Incinerator

Issued: October 27, 1993

Administrative Amendment: February 20, 1996

Company: **Crozer Chester Medical Center**

Location: Upland

County: **Delaware**

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**Operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 127.450 for Reasonably Available Control Technology.**


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*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **OP-23-0012**

Source: VOC Facility

Issued: February 15, 1996

Company: **Epsilon Products**

Location: Marcus Hook

County: **Delaware**

Permit: **OP-15-0007**  
 Source: Facility NOx and VOC Sources  
 Issued: November 8, 1995  
 Administrative Amendment: February 13, 1996  
 Company: **Wyeth-Ayerst Laboratories**  
 Location: West Chester  
 County: **Chester**

Permit: **CP-46-0025**  
 Source: Control VOC 7 Storage Tanks  
 Issued: February 14, 1996  
 Company: **Lonza**  
 Location: Upper Merion  
 County: **Montgomery**

Permit: **CP-23-0003**  
 Source: Facility NOx and VOC  
 Issued: February 16, 1996  
 Company: **BP Oil Refinery**  
 Location: Marcus Hook  
 County: **Delaware**

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

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*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

The Department has issued the following air quality plan approvals for the specified companies described below:

Permit: **15-320-020**  
 Source: Flexographic Press No. 6  
 Issued: February 14, 1996  
 Company: **Dopaco, Inc.**  
 Location: Downingtown  
 County: **Chester**

Permit: **23-307-002**  
 Source: 20 inch Experimental Paper Machine-Dryer  
 Issued: February 21, 1996  
 Company: **Scott Paper Company**  
 Location: Chester  
 County: **Delaware**

Permit: **46-320-027**  
 Source: Print Facility  
 Issued: March 31, 1995  
 Change of ownership: formerly, DataCard Corp.  
 Company: **Gemplus Plastic, Inc.**  
 Location: Montgomeryville  
 County: **Montgomery**

Permit: **09-314-002**  
 Source: New Bulk Rubber Conveying System  
 Issued: January 19, 1996  
 Extended: May 19, 1996  
 Company: **Minnesota Mining & Manufacturing**  
 Location: Bristol  
 County: **Bucks**

Permit: **46-313-142**  
 Source: 2 Resin PVC Packaging System  
 Issued: January 31, 1996  
 Extended: May 31, 1996  
 Company: **Occidental Chemical Corp.**  
 Location: Lower Pottsgrove  
 County: **Montgomery**

Permit: **15-314-002**  
 Source: Medical Device Manufacturing Process  
 Issued: January 31, 1996  
 Extended: May 31, 1996  
 Company: **Norwood Industries, Inc.**  
 Location: East Whiteland  
 County: **Chester**

Permit: **15-314-003**  
 Source: Process Tank Area for Medical Device Manuf.  
 Issued: January 31, 1996  
 Extended: May 31, 1996  
 Company: **Norwood Industries, Inc.**  
 Location: East Whiteland  
 County: **Chester**

Permit: **15-314-004**  
 Source: Medical Device Dusting Operation  
 Issued: January 31, 1996  
 Extended: May 31, 1996  
 Company: **Norwood Industries, Inc.**  
 Location: East Whiteland  
 County: **Chester**

Permit: **46-301-261A**  
 Source: Sewage Sludge Incinerator  
 Issued: January 31, 1996  
 Extended: May 31, 1996  
 Company: **Upper Moreland-Hatboro Joint Sewer Auth.**  
 Location: Willow Grove  
 County: **Montgomery**

Permit: **15-313-042B**  
 Source: Two Reactors and one Stripper  
 Issued: February 1, 1996  
 Extended: June 28, 1996  
 Company: **Sartomer, Inc.**  
 Location: West Chester  
 County: **Chester**

Permit: **46-301-259**  
 Source: Multiple Hearth Sewage Sludge Incinerator  
 Issued: February 3, 1996  
 Extended: June 3, 1996  
 Company: **East Norriton-Plymouth Joint Sewer Auth.**  
 Location: Plymouth  
 County: **Montgomery**

Permit: **46-302-199**  
 Source: Kewanee Boiler  
 Issued: February 12, 1996  
 Extended: June 12, 1996  
 Company: **Plymouth Meeting Mall**  
 Location: Plymouth  
 County: **Montgomery**

Permit: **46-302-198**  
 Source: Boiler No. 6, Building 600  
 Issued: February 12, 1996  
 Extended: June 12, 1996  
 Company: **Martin Marietta Astro Space**  
 Location: Upper Merion  
 County: **Montgomery**

Permit: **46-306-003**  
 Source: One Boiler  
 Issued: February 26, 1996  
 Extended: June 26, 1996  
 Company: **Ortho-McNeil Pharmaceuticals**  
 Location: Lower Gwynedd  
 County: **Montgomery**



Permit: **46-318-042**  
 Source: Four Spray Paint Booths  
 Issued: February 28, 1996  
 Extended: June 30, 1996  
 Company: **Gasboy International, Inc.**  
 Location: Lansdale  
 County: **Montgomery**

**Plan approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for a plan approval permit to comply with 25 Pa. Code § 129.91 for Reasonably Available Control Technology.**

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

The Department has issued the following air quality plan approval permits for the construction of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **PA-23-0003**  
 Source: Facility RACT for NOx and VOC Controls  
 Issued: February 16, 1996  
 Company: **BP Oil Refinery**  
 Location: Marcus Hook  
 County: **Delaware**

Permit: **PA-46-0025**  
 Source: 7 Storage Tanks  
 Issued: February 14, 1996  
 Company: **Lonza**  
 Location: Upper Merion  
 County: **Montgomery**

Permit: **PA-15-0027**  
 Source: Production Scrubber System I Modified  
 Issued: February 6, 1996  
 Company: **Johnson Matthey, Inc.**  
 Location: Tredyffrin  
 County: **Chester**

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

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

**10-313-048.** On February 22, 1996, a plan approval was issued to **Callery Chemical Company**, Mine Safety Appliances Company (P. O. Box 429, Pittsburgh, PA 15230) for installation of an air cleaning device in Forward Township, **Butler County**.

**MINING ACTIVITY ACTIONS**

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

§§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

*Coal Permits Issued*

**11840110.** Permit renewal, **Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in West Carroll Township, **Cambria County**, affecting 107.0 acres, receiving stream Fox Run to west branch Susquehanna River, application received December 18, 1995, permit issued February 14, 1996.

**56900104.** Permit renewal, **Windber High Standard Coal Company** (1210 Graham Avenue, Windber, PA 15963), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Quemahoning Township, **Somerset County**, affecting 37.7 acres, receiving stream Beaverdam Creek and unnamed tributaries to Beaverdam Creek, application received October 10, 1995, permit issued February 27, 1996.

**11850111.** Permit renewal, **E. P. Bender Coal Company** (South Main Street, P. O. Box 565-566, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip-auger mine, valid for reclamation, only in Dean Township, **Cambria County**, affecting 160.0 acres, receiving stream unnamed tributary to Brubaker Run and Brubaker Run, application received December 20, 1995, permit issued February 27, 1996.

**11910101.** Permit renewal, **E. P. Bender Coal Company, Inc.** (Main and Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip-auger mine in Reade Township, **Cambria County**, affecting 88.0 acres, receiving stream unnamed tributary to/and Powell Run, application received December 20, 1995, permit issued February 27, 1996.

**11950103.** **R.J.C. Kohl, Inc.** (P. O. Box 299, Nicktown, PA 15762), commencement, operation and restoration of a bituminous strip mine in Susquehanna Township, **Cambria County**, affecting 75.0 acres, receiving stream unnamed tributaries to Fox Run, application received July 31, 1995, permit issued February 28, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

**17900117.** **E. M. Brown, Inc.** (P. O. Box 767, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 11.3 acres, receiving streams Crawford Run to Moshannon Creek, Moshannon Creek to west branch Susquehanna River, application received December 20, 1995, permit issued February 7, 1996.

**17950115.** **Larson Enterprises, Inc.** (Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine-auger permit in Morris and Graham Townships, **Clearfield County** affecting 46.6 acres, receiving streams Flat Run to Alder Run to the west branch Susquehanna River, application received November 7, 1995, permit issued February 7, 1996.

**17850133.** **Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine-auger permit in Greenwood Township, **Clearfield County** affecting 147.7 acres, receiving streams unnamed tributaries of McCracken Run to Mc-

Cracken Run to west branch of Susquehanna River, application received December 18, 1995, permit issued February 12, 1996.

**17840135. Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Bradford Township, **Clearfield County** affecting 87.6 acres, receiving streams Millstone Run; unnamed tributaries of Moravian Run and west branch Susquehanna River; unnamed tributaries of Moravian Run to Moravian Run; all listed streams to west branch Susquehanna River, application received December 21, 1995, permit issued February 8, 1996.

**17793140. R. S. Carlin, Inc.** (P. O. Box 365, Snow Shoe, PA 16874), renewal of an existing bituminous surface mine permit in Covington and Karthaus Townships, **Clearfield County** affecting 336.1 acres, receiving streams Grimes Run, Curley Run, Shingle Hollow Run to Mosquito Creek to west branch Susquehanna River to the Susquehanna River, application received September 30, 1994, permit issued February 12, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**37900106. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous strip and tippel refuse disposal operation in Hickory Township, **Lawrence County** affecting 171.5 acres. This renewal is issued for reclamation only. Receiving streams three unnamed tributaries of Hottenbaugh Run and one (1) unnamed tributary to Neshannock Creek. Application received September 1, 1995. Permit issued January 31, 1996.

**33850115. M. B. Energy, Inc.** (250 Airport Rd., P. O. Box 1319, Indiana, PA 15701). Renewal of an existing bituminous strip and auger operation in Perry Township, **Jefferson County** affecting 412.8 acres. This renewal is issued for reclamation only. Receiving streams unnamed tributary of Big Run and unnamed tributary of Rose Run. Application received December 7, 1995. Permit issued January 30, 1996.

**33840125. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip and auger operation in Snyder and Washington Townships, **Jefferson County** affecting 344.0 acres. This renewal is issued for reclamation only. Receiving streams Rattlesnake Creek and McEwen Run. Application received December 4, 1995. Permit issued January 30, 1996.

**33900118. McKay Coal Company, Inc.** (R. D. 2, Templeton, PA 16259-9221). Transfer of an existing bituminous strip and auger operation from TDK Coal Sales, Inc. in Clover Township, **Jefferson County** affecting 117.5 acres. Receiving streams unnamed tributary to Redbank Creek and unnamed tributary to Simpson Run. Application received November 16, 1995. Permit issued January 30, 1996.

**33900118. McKay Coal Company, Inc.** (R. D. 2, Templeton, PA 16259-9221). Renewal of an existing bituminous strip and auger operation in Clover Township, **Jefferson County** affecting 117.5 acres. Receiving streams unnamed tributary to Redbank Creek and unnamed tributary to Simpson Run. Application received January 16, 1995. Permit issued January 30, 1996.

**33850118. Alvin Gearhart** (307 Treasure Lake, DuBois, PA 15801). Renewal of an existing bituminous strip operation in Winslow Township, **Jefferson County**

affecting 241.0 acres. Receiving streams three unnamed tributaries to Soldier Run. Application received October 6, 1995. Permit issued February 7, 1996.

**100571-10820122-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet of and mine through 1,200 feet of an unnamed tributary to the north branch of Slippery Rock Creek in Marion and Mercer Townships, **Butler County**. Receiving streams two unnamed tributaries to North Branch Slippery Rock Creek. Application received October 18, 1995. Permit issued February 7, 1996.

**100571-3072SM3-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 1,000 feet of and mine through 800 feet of an unnamed tributary to the north branch of Slippery Rock Creek in Mercer and Marion Townships, **Butler County**. Receiving streams unnamed tributary to north branch Slippery Rock Creek. Application received October 18, 1995. Permit issued February 7, 1995.

**16910101. Reichard Contracting, Inc.** (R. D. 3, New Bethlehem, PA 16242). Renewal of an existing bituminous strip operation in Perry Township, **Clarion County** affecting 27.0 acres. This renewal is issued for reclamation only. Receiving streams two unnamed tributaries to Allegheny River and two unnamed tributaries to Black Fox Run. Application received December 7, 1995. Permit issued February 5, 1996.

**61950102. Ben-Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip and auger operation in Irwin Township, **Venango County** affecting 73.5 acres. Receiving streams two unnamed tributaries to Scrubgrass Creek and one unnamed tributary to North Branch Slippery Rock Creek. Application received September 13, 1995. Permit issued February 6, 1996.

**16743011. Doverspike Bros. Coal Company** (R. D. 4, Box 271, Punxsutawney, PA 15767). Transfer of an existing bituminous strip, auger and tippel refuse disposal operation in Redbank Township, **Clarion County** affecting 165.9 acres. This permit is transferred from C & K Coal Company. Receiving streams unnamed tributary to Pine Creek. Application received November 8, 1995. Permit issued February 13, 1996.

**10890114. Rosebud Mining Company** (R. D. 2, Box 324B, Parker, PA 16049). Renewal of an existing bituminous strip operation in Bruin Borough and Parker Township, **Butler County** affecting 211.5 acres. Receiving streams unnamed tributaries to south branch of Bear Creek. Application received December 21, 1995. Permit issued February 13, 1996.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**32841307. Tanoma Coal Company, Inc.** (R. R. 1, Box 594, Marion Center, PA 15759-9400), to revise the permit for the Tanoma bituminous deep mine in Rayne Township, **Indiana County** to add 1,107 subsidence control plan acres, no additional discharge. Permit issued February 22, 1996.

**63841302. Maple Creek Mining, Inc.,** (P. O. Box 517, Bentleyville, PA 15314), to revise the permit for the Maple Creek bituminous deep mine in New Eagle Borough, **Washington County** per Act 54, no additional discharge. Permit issued February 29, 1996.

**30841316. Consol Pennsylvania Coal Company**, (450 Racetrack Road, Washington, PA 15301), to revise the permit for the Bailey bituminous deep mine in Richhill Township, **Greene County** to add four vent boreholes and one pressure monitoring borehole, no additional discharge. Permit issued February 28, 1996.

**30841302. Consolidation Coal Company** (P. O. Box 1314, Morgantown, WV 26507-1314), to revise the permit for the Humphrey No. 7 bituminous deep mine in Whiteley Township, **Greene County** to add 15 East and 17 East No. 1 vent boreholes and 16 East pump and injection boreholes, no additional discharge. Permit issued February 28, 1996.

**30841307. Cyprus Emerald Resources Corporation**, (P. O. Box 1020, 145 Elm Drive, Waynesburg, PA 15370), to revise the permit for the Emerald No. 1 bituminous deep mine in Franklin Township, **Greene County** to add 925 subsidence control plan acres, no additional discharge. Permit issued February 28, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54891301RC. Bucket Coal Company**, (14 North Third Street, Minersville, PA 17954), renewal and correction to an existing underground mine operation in Foster Township, **Schuylkill County** affecting 65.5 acres, receiving stream abandoned mine workings. Renewal/Correction issued February 13, 1996.

**49850701R2. Reading Anthracite Company**, (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite coal refuse disposal/fly ash disposal operation in Coal Township, **Northumberland County** affecting 29.8 acres, receiving stream none. Renewal issued February 15, 1996.

**49851602R. Savitski Brothers Coal Company**, (325 Mulberry Street, Atlas, PA 17851), renewal of an existing coal preparation plant operation in Mt. Carmel Township, **Northumberland County** affecting 45.4 acres, receiving stream Shamokin Creek. Renewal issued February 16, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**49950201. MAK Enterprises**, (501 A Street, Girardville, PA 17935), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in West Cameron Township, **Northumberland County** affecting 441.5 acres, receiving stream none. Permit issued February 28, 1996.

**40663023R2. Pagnotti Coal Company**, (800 Exeter Avenue, West Pittston, PA 18643), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 640.0 acres, receiving stream none. Renewal issued February 29, 1996.

**40663031R2. Jeddo-Highland Coal Company**, (800 Exeter Avenue, West Pittston, PA 18643), renewal of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 536.0 acres, receiving stream none. Renewal issued February 20, 1996.

**40663013R2. Jeddo-Highland Coal Company**, (800 Exeter Avenue, West Pittston, PA 18643), renewal of an existing coal refuse disposal/reprocessing operation in Hazle Township, **Luzerne County** affecting 304.0 acres, receiving stream none. Renewal issued February 21, 1996.

**54713018R2. Kocher Coal Co.**, (P. O. Box 127, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 600.0 acres, receiving stream none. Renewal issued February 21, 1996.

**54950104. Packer V Coal Company, Inc.**, (430 West Main Street, Girardville, PA 17935), commencement, operation and restoration of an anthracite surface mine operation (which replaces SMP #54890101) in West Mahanoy Township, **Schuylkill County** affecting 395.0 acres, receiving stream none. Permit issued February 21, 1996.

**54850202C3. B-D Mining Co.**, (Gilberton, PA 17934), an incidental boundary correction for an existing anthracite coal refuse reprocessing/disposal operation in Gilberton and Shenandoah Boroughs and Mahanoy and West Mahanoy Townships, **Schuylkill County** affecting 1,590.0 acres, receiving stream Mahanoy Creek. Correction issued February 23, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

#### *Noncoal Permits Issued*

**43950303. H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153), commencement, operation and restoration of a sand and gravel operation in Lake Township, **Mercer County** affecting 57.0 acres. Receiving streams none. Application received July 19, 1995. Permit issued February 9, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**67920301. York Building Products Co., Inc.**, (P. O. Box 1708, York, PA 17405), commencement, operation and restoration of a quarry operation in Jackston Township, **York County** affecting 59.0 acres, receiving stream Little Conewago. Permit issued February 13, 1996.

**45950302. Haines & Kibblehouse, Inc.**, (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), commencement, operation and restoration of a quarry operation in Tobyhanna Township, **Monroe County** affecting 116.46 acres, receiving stream Twomile Run and unnamed tributary to Trout Creek. Permit issued February 15, 1996.

**8074SM3C. M & M Stone Co.**, (P. O. Box 196, Harlesville, PA 19438), correction to an existing quarry operation in Lower Salford Township, **Montgomery County** affecting 38.8 acres, receiving stream east branch Perkiomen Creek. Correction issued March 1, 1996.

**35950302T. Goodman Block, Inc.**, (Erie Street, Box 585, Honesdale, PA 18431), transfer of an existing quarry operation (Formerly: Lackawanna Cinder & Silt #1722-2) in the City of Scranton, **Lackawanna County** affecting 8.0 acres, receiving stream none. Transfer issued February 20, 1996.

*Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.*

#### *Small Noncoal Authorizations Granted*

**08940804. Wilmer Chilson** (R. D. 2, Box 140CH2, Towanda, PA 18848), commencement, operation and restoration of a small noncoal (flagstone) permit in Asylum Township, **Bradford County** affecting 1 acre, application received March 29, 1994, authorization granted February 12, 1996.

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

*Small Noncoal Authorizations Issued*

**4-01805-56950801-01. Three S Coal Company** (P. O. Box 337, Stoystown, PA 15563), in Southampton Township, **Somerset County**, receiving stream tributary to Wills Creek, application received December 14, 1995, authorization issued February 27, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*General Small Noncoal Authorizations Granted*

**50950802. Fultz Excavating**, (R. R. 1, Box 116A, Ickesburg, PA 17037), commencement, operation and restoration of a small shale operation in Saville Township, **Perry County** affecting 3.0 acres, receiving stream none. Authorization granted February 16, 1996.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, telephone (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, telephone (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a))** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E21-240. Encroachment. Lower Allen Township Commissioners**, 1993 Hummel Avenue, Camp Hill, PA 17011. To construct and maintain a 15-inch diameter pipe having approximately a 150-foot length and an outfall structure within the left bank's 100-year floodplain and floodway of the Yellow Breeches Creek to improve storm drainage in the area located about 2,300 feet downstream

of L. R. 21014 bridge (Lemoyne, PA Quadrangle N: 7.2 inches; W: 5.52 inches) in Lower Allen Township, **Cumberland County**.

**E36-601. Encroachment. Salisbury Township**, 5581 Old Philadelphia Pike, Gap, PA 17527. To remove the existing structure, construct and maintain a p/s concrete spread box beam bridge having a clear span of 30 feet with a 4-foot average underclearance across Pequea Creek on Buchland Road (T-519), located 800 feet south of its intersection with Meadville Road (T-908) (Honey Brook, PA Quadrangle N: 13.75 inches; W: 12.75 inches) in Salisbury Township, **Lancaster County**.

**E36-602. Encroachment. Earl Realty, Inc.**, 2249 Route 30 East, Lancaster, PA 17602. To construct and maintain an open sided pavilion with a 4-inch concrete slab and a roof supported by 6-inch × 6-inch timber columns. The recreational structure will be located within the 100-year floodway of Mill Creek, on the north side of Lincoln Highway East (U. S. Route 30) (Leola, PA Quadrangle N: 5.15 inches; W: 13.4 inches) in East Lampeter Township, **Lancaster County**.

**E36-604. Encroachment. Department of Transportation**, District 8-0, 2140 Herr St., Harrisburg, PA 17103-1699. To remove the existing structure, construct and maintain an adjacent prestressed concrete box beam bridge having a clear span of 45 feet with an average underclearance of 4.4 feet across Bachman Run on S. R. 0722, Section 002, Segment 0100, Offset 2008 (Lancaster, PA Quadrangle N: 19.25 inches; W: 12.75 inches) in Manheim Township, **Lancaster County**. This project will have a de minimus wetland impact of less than 0.05 acre.

**E67-553. Encroachment. Hopewell Township**, P. O. Box 429, Stewartstown, PA 17363-0429. To place fill in a de minimus area of wetlands less than or equal to 0.05 acre for the purpose of widening Hollow Road by an additional 10 feet northward and to maintain a 4-foot high × 7-foot wide × 50-foot long concrete box culvert and to relocate 50 linear feet of a tributary to Leibs Creek just upstream of this culvert located on Orson Hollow Road approximately 0.75 mile east of its intersection with Main Street (Stewartstown, PA Quadrangle N: 1.7 inches; W: 11.4 inches) in Hopewell Township, **York County**.

**E67-555. Encroachment. Central York School District**, 775 Marion Road, York, PA 17402. To install and maintain 290 linear feet of gabion wall along the southern bank of an unnamed tributary to Mill Creek and to remove 1,500 linear feet of accumulated silt from the stream bed at the same location situated on the western side of North Hills Road 1,000 feet north of its intersection with S. R. 0030 (York, PA Quadrangle N: 19.8 inches; W: 9.9 inches) in Springettsbury Township, **York County**.

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

**E40-431. Encroachment. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 93 North State Street, Wilkes-Barre, PA 18701-3195. To place fill in 0.82 acre of wetlands and 0.09 acre of open water within an abandoned strip pit for the purpose of reclaiming an abandoned mine site (Project OSM 40 (2138) 101.1: Curry Hill—Avondale). The pit is located approximately 500 feet southeast of the former Plymouth Reservoir and approximately 1.0 mile west of the intersection of S. R. 0011 and S. R. 1002 (Wilkes-Barre West, PA Quadrangle N: 19.7 inches; W: 14.2 inches) in Plymouth Township, **Luzerne County**. The

permittee is required to provide 0.82 acre of replacement wetlands but is proposing to construct 1.31 acres of wetlands.

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

*Permits Issued*

**E03-352.** Encroachment. **West Penn Power Company**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. To construct and maintain a 60-inch diameter, 72 L. F. long pipe culvert in an unnamed tributary to Allegheny River for the purpose of construction of an access road and an impoundment outfall pipe across said stream and to construct and maintain riprap at the culvert approaches. The project is located at the Armstrong Power Station approximately 250 feet southwest from the existing south pond (Templeton, PA Quadrangle N: 5.75 inches; W: 13.25 inches) in Washington Township, **Armstrong County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E04-231.** Encroachment. **Borough of Monaca**, 928 Pennsylvania Avenue, Monaca, PA 15061. To place and maintain fill on the left bank of the Ohio River, to construct and maintain a boat dock and ramp in the channel of and on the left bank of said stream, to construct and maintain an 18-inch diameter outfall structure on the left bank of said stream and to remove the existing culvert from and maintain the channel of Markeys Run for the purpose of constructing the Monaca Riverfront Park. The project is located northeast of the intersection of Fourth Street and Pennsylvania Avenue (Beaver, PA Quadrangle N: 12.1 inches; W: 5.4 inches) in Monaca Borough, **Beaver County**.

**E26-216.** Encroachment. **City of Uniontown**, 20 North Gallatin Avenue, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a bridge having a normal span of 30 feet with an underclearance of 6.5 feet across Redstone Creek and to repair and maintain gabion baskets at the bridge approaches for bank protection. The project is located on Dunbar Street 7+60.72 (Uniontown, PA Quadrangle N: 3.85 inches; W: 13.80 inches) in the City of Uniontown, **Fayette County**.

**E63-399.** Encroachment. **V.F.W. of the U. S., McMurray Post 764**, 460 Valleybrook Road, McMurray, PA 15317. To remove the existing structure and to construct and maintain a box culvert having a span of 22 feet with an underclearance of 8 feet (1 foot depressed) in Brush Run. The culvert is located just west of the intersection of East McMurray Road (S. R. 1002) and Valley Brook Road (Bridgeville, PA Quadrangle N: 5.1 inches; W: 11.7 inches) in Peters Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

*DEP Central Office: Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 782-1384.*

**D58-158A.** Dam. **John A. DiPasquale, Sr.**, 4535 N. River Drive, Bensalem, PA 19020. To modify, operate and maintain the Way Lake Dam in Thompson Township, **Susquehanna County**.

*Permits Issued*

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

**Environmental Assessment No. EA65-001SW. Wimmer Corporation & Benedictine Society of Westmoreland County**, Fraser Purchase Road, Latrobe, PA 15650-2687. To construct and maintain passive treatment facilities in approximately 30 acres of existing PEM wetlands to treat mine drainage which currently flows into the wetlands. The proposed project will enhance the existing wetlands with recontouring and berm construction to increase detention time to improve the quality of the mine discharges prior to entering Fourmile Run. This should also result in significant water quality improvements to Monestary Run and Loyalhanna Creek. The existing wetlands to be enhanced were created and are sustained by the mine discharges from abandoned Pittsburgh seam deep mines. Approximately three additional acres of wetlands will be constructed as part of this project. This project is known as the Monestary Run Project. The site is located on the Latrobe, PA Quadrangle N: 8.5 inches; W: 5.0 inches, in Unity Township, **Westmoreland County**.

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

**E41-354.** Water obstruction and encroachment. **Robert J. Kinley**, 2830 Lycoming Creek Road, Williamsport, PA 17701. To place 0.20 acre of fill in a 0.35 acre palustrine emergent wetland located along an unnamed tributary of Lycoming Creek. The project is located at 2652 Lycoming Creek Road (Business S. R. 0015) (Cogan Station, PA Quadrangle N: 4.5 inches; W: 7.0 inches) in Loyalsock Township, **Lycoming County**.

**E60-123.** Water obstruction and encroachment. **Bureau of Forestry**, P. O. Box 147, Laurelton, PA 17835-0147. To construct and maintain a round longitudinal timber stinger bridge with an approximate span of 40 feet and an approximate underclearance of approximately 5 feet across Weikert Run (Weikert, PA Quadrangle N: 16.0 inches; W: 8.8 inches) in Hartley Township, **Union County**. This permit was issued under section 105.13(e) "Small Projects".

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## SPECIAL NOTICES

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### Planning Grant Awards Under the Municipal Waste Planning, Recycling and Waste Reduction Act

The Department of Environmental Protection, hereby announces the following grants to counties under the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.901) (Act 101). The awards are based upon applications received by the Department in 1995.

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 (53 P. S. §§ 4000.701 and 4000.702), and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Marjorie Hughes, Chief, 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

<i>County</i>	<i>Activities</i>	<i>DEP Grant</i>
Northeast Region		
1. Pike	Revise the county's MSW Management Plan	\$ 9,500
2. Lehigh	Revise the county's MSW Management Plan	36,000
Northcentral Region		
1. Union	Revise the county's MSW Management Plan	26,195
Southcentral Region		
1. Adams	Site evaluation and selection for MSW composting facility	84,960
2. Dauphin	Revise the county's MSW Management Plan	4,534
3. Lebanon	Waste characterization and market development study for the landfill	99,976
4. Perry	Amending contracts to be compatible with changes in flow control	15,345
5. York	Study alternative to disposal of ash	52,080
Southwest Region		
1. Indiana	Municipal compliance with Act 101 requirements	1,216
Total		\$329,806

[Pa.B. Doc. No. 96-402. Filed for public inspection March 15, 1996, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following project:

**Project No. DGS 1580-1**—Renovation of Building No. 7 to expand dormitory capacity, office space, kitchen/dining area, supporting program space and recreation facilities, Quehanna Motivational Boot Camp, Clearfield County, PA. Construction cost: \$8,850,000. The scope of work includes, but is not limited to, renovation of an existing building to include dormitory living areas; kitchen and dining area; administrative offices; counseling services; program and support services and inmate recreation space.

#### Requirements and Information

##### *Instructions for Filing Application*

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) below, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained

upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or joint venture members must be the professional of record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the professional of record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any

type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.), Thursday, April 4, 1996, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

*Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

The professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the scope.

The professional agrees to comply with the terms of the agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-403. Filed for public inspection March 15, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Division of Emergency Medical Services Systems; Approved Drugs, Medications and Solutions

Under 28 Pa. Code § 1005.11(b) (relating to medications, use, control and security) and § 1007.7(c) (relating to licensure requirements), the following drugs, medications and solutions are approved for use by advanced life support (ALS) ambulance services and may be adminis-

tered by EMT-paramedics, prehospital registered nurses and health professional physicians under medical command or Department of Health approved medical protocols:

1. Adenosine
2. Albuterol
3. Aminophylline
4. Aspirin
5. Atropine Sulfate
6. Bretylium
7. Calcium Chloride
8. Dexamethasone Sodium Phosphate
9. Diazepam
10. Diphenhydramine HCL
11. Dobutamine
12. Dopamine
13. Epinephrine HCL
14. Furosemide
15. Glucagon
16. Heparin Intravenous (Drip) (for interfacility transports, only)
17. Heparin Lock Flush
18. Hydrocortisone Sodium Succinate
19. Intravenous Electrolyte Solutions
  - (a) Dextrose
  - (b) Lactated Ringer's
  - (c) Sodium Chloride
  - (d) Normosol
20. Isoproterenol HCL
21. Lidocaine HCL
22. Magnesium Sulfate
23. Meperidine
24. Metaproterenol
25. Morphine Sulfate
26. Naloxone HCL
27. Nitroglycerin Intravenous (Drip) (for interfacility transports, only)
28. Nitroglycerin Ointment
29. Nitroglycerin Spray
30. Nitroglycerin Sublingual Tablets
31. Nitrous Oxide
32. Oxytocin
33. Procainamide
34. Sodium Bicarbonate
35. Sterile Water for Injection
36. Terbutaline
37. Verapamil

An air ALS ambulance service may use drugs, medications and solutions in addition to those identified in the list upon securing the written approval of the Department of Health in accordance with 28 Pa. Code § 1001.4 (relating to exceptions).

Persons with a disability who require an alternate format of this notice (for example, large print, audiotope, braille) should contact Caroline L. Bowes, R.N., at the Department of Health, Division of Emergency Medical Services Systems, Room 1033, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740 or telephone TDD (717) 783-6514, so she may make the necessary arrangements.

PETER J. JANNETTA, M.D.,  
*Secretary*

[Pa.B. Doc. No. 96-404. Filed for public inspection March 15, 1996, 9:00 a.m.]

**Notice of Beginning of Review; Certificate of Need**

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P.S. §§ 448.702(c), 704(a) and 704(b)).

*CON-95-G-2464-B:* Miner's Hospital, Crawford Avenue and First Street, Spangler, PA 15775-0490. The project involves construction of a 30-bed replacement hospital in Hastings, PA, at an estimated cost of \$12,761,500.

The project is scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning March 16, 1996. Interested persons, as defined in section 103 of the act (35 P.S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P.S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in the auditorium of the North Cambria Middle School, 600 Joseph Street, Barnesboro, PA 15714, and will begin at 1 p.m., Wednesday, April 17, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. This meeting is subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

PETER J. JANNETTA, M.D.,  
*Secretary*

[Pa.B. Doc. No. 96-405. Filed for public inspection March 15, 1996, 9:00 a.m.]

**DEPARTMENT OF LABOR AND INDUSTRY**

**Current Prevailing Wage Act Debarments**

The contractors referenced below have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), these firms or these persons, or any firms, corporations or partnerships in which such firms or persons have an interest, shall be awarded no contract for 3 years after the dates listed.

JOHNNY J. BUTLER,  
*Secretary*

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
J. M. Spears & Sons, Inc., and James M. Spears, Sr., a/k/a J. M. Spears, Sr., a/k/a Jim Spears (Fed. ER Tax ID No. 25-1351922)	135 Seneca Drive Butler, PA 16001	3/1/96
Lehigh Tile and Marble Company (Fed. ER Tax ID No. 23-0139045)	1425 Chew Street Allentown, PA 18102	3/1/96
Dixon S. Lightcap, t/a Lightcap Electric (Fed. ER Tax ID No. 25-1005774)	285 Philadelphia St. Indiana, PA 15701	3/5/96

[Pa.B. Doc. No. 96-406. Filed for public inspection March 15, 1996, 9:00 a.m.]

**DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

**Income Restriction for Admission to a Pennsylvania State Veterans' Home**

Effective immediately, the allowable income for a single Domiciliary care applicant is \$22,440 per year plus \$1,308 per year per dependent, the maximum income paid to a 100% disabled veteran by the United States Department of Veterans Affairs. An income below the \$22,440 will demonstrate the applicant may be incapable of self-support and demonstrate a financial need. An amount above the \$22,440 may qualify an applicant for admission on his/her ability to pay the full per diem cost.

JAMES MACVAY,  
*Adjutant General*

[Pa.B. Doc. No. 96-407. Filed for public inspection March 15, 1996, 9:00 a.m.]



## DEPARTMENT OF PUBLIC WELFARE

### Income and Resource Limits for Spouse Living in the Community When the Other Spouse is Institutionalized

The Department of Public Welfare increased the income and resource limits described at 55 Pa. Code §§ 181.452(c)(2)(iv), 178.124(a)(3)(i), and 178.124(a)(3)(ii) effective January 1, 1996, as required by 42 U.S.C.A. § 1396r-5.

The regulations at 55 Pa. Code §§ 181.452(c)(2)(iv), 178.124(a)(3)(i), and 178.124(a)(3)(ii) establish the basis for determining the Monthly Community Spouse Maintenance Need Amount and the maximum and standard Community Spouse Resource Standard for the Categorically Needy Nonmoney Payment Medical Assistance (NMP-MA) and Medically Needy Only Medical Assistance (MNO-MA) Programs. These standards are required to be published in the *Pennsylvania Bulletin* annually and are available to the public upon request at the county assistance offices.

Effective January 1, 1996, the amounts are:

Maximum Community Spouse Resource Standard	\$76,740
Standard Community Spouse Resource Standard	\$15,348
Maximum Monthly Community Spouse Maintenance Need Amount	\$ 1,919

FEATHER O. HOUSTON,  
*Secretary*

[Pa.B. Doc. No. 96-408. Filed for public inspection March 15, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### REMAC USA, Inc. (formerly Eastern Chemical Waste Systems, Inc.) v. DEP; EHB Doc. No. 92-288-MG

The Department of Environmental Protection (Department) and REMAC USA, Inc. (RUI), formerly Eastern Chemical Waste Systems, Inc. (ECWSI) have agreed to a settlement of the above matter. ECWSI held a Department license for the transportation of hazardous wastes, and had a "hub" facility in Falls Township, Bucks County, PA (the site). On July 2, 1992, the Department issued to ECWSI an Order under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) (SWMA), The Clean Streams Law (36 P. S. §§ 691.1—691.1001) (CSL), and the section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17) (Administrative Code). The Order alleged that ECWSI had engaged in unpermitted processing, storage and/or disposal of municipal and residual waste at the site, and had caused and/or threatened to cause contamination of groundwater and/or soil at the site, in violation of the CSL and the Code. The Order required ECWSI to cease the unpermitted solid waste management activities, cause an investigation of existing and potential

soil and water contamination at the site and implement a Department-approved cleanup plan at the site. ECWSI appealed the Order to the Environmental Hearing Board (the Board).

The parties have agreed upon a Consent Assessment and Adjudication (COA) to settle ECWSI/RUI's appeal from the Order. The major provisions of the settlement are: RUI represents that it has carried out a Department-approved site cleanup plan; RUI will pay to the Solid Waste Abatement Fund \$18,000 in reimbursement of actual Department costs incurred in pursuing this action; RUI will not contest as to the Department the assertions of the COA.

Copies of the full settlement are in the hands of:

Timothy Bergere, Esquire, Montgomery, McCracken, Walker & Rhoads, Three Parkway, Philadelphia, PA 19102, (215) 665-7431;

Gary Bonk, General Counsel, REMAC USA, Inc., 1010 Wayne Avenue, Eighth Floor, Silver Spring, MD 20910, (800) 654-9967;

Kenneth A. Gelburd, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park—555 North Lane—Suite 6015, Conshohocken, PA 19428-2233, (610) 832-6300;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement may have the right of an appeal to the Environmental Hearing Board, Rachel Carson State Office Building, Second Floor, 400 Market Street, Harrisburg, PA 17105.

Appeals must be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this if no objection is timely made.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-409. Filed for public inspection March 15, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. 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 a regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-284	Environmental Quality Board Stream Redesignations—Pine and Elk Creeks, et al.	3-05-96
11-133	Insurance Department Medicare Supplement Insurance Minimum Standards	3-06-96

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-410. Filed for public inspection March 15, 1996, 9:00 a.m.]

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-412. Filed for public inspection March 15, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for Plan Approval of a Redomestication

Pacific Employers Insurance Company, a California stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of California to the Commonwealth of Pennsylvania. The initial filing was received on March 1, 1996, and was made under requirement set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this redomestication are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-411. Filed for public inspection March 15, 1996, 9:00 a.m.]

### Independence Blue Cross; Pennsylvania Blue Shield; Personal Choice Nongatekeeper Preferred Provider Organization Group-Specific Endorsement; Filing No. 2-P-96

By filing no. 2-P-96, Independence Blue Cross and Pennsylvania Blue Shield submitted a request to endorse the approved, experience-rated nongatekeeper preferred provider program, Personal Choice Contract Form No. 4037, for the group employes of The Chester County Hospital. The endorsement adds a higher level of benefits when benefits are received from The Physician Hospital Alliance of Chester County, Inc. providers.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg. This filing consists of 19 pages.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-413. Filed for public inspection March 15, 1996, 9:00 a.m.]

### Blue Cross of Western Pennsylvania; Pennsylvania Blue Shield; Amendatory Riders to Clarify the Optional Exclusion for Assisted Fertilization Services and Amendatory Riders to Include Optional Limits to Assisted Fertilization Coverage; Filing No. 1-AFR-96-WP

By filing no. 1-AFR-96-WP, Blue Cross of Western Pennsylvania proposes to amend its group contracts and Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield propose to amend all jointly underwritten group contracts by clarifying the optional exclusion for assisted fertilization. In addition, separate amendatory riders will allow group customers to place dollar limits on coverage for assisted fertilization services. This filing consists of 25 pages.

### Lonzetta Plumbing and Heating; Hearing

*Lonzetta Plumbing and Heating; USTIF Claim No. 94-109/7019; Doc. No. UT95-05-039*

A formal administrative hearing is scheduled for May 1 and 2, 1996, at 9:30 a.m. at the Administrative Hearings Office of the Commonwealth Department of Insurance, 901 North Seventh Street, Second Floor, Harrisburg, PA 17102.

The hearing shall be held in accordance with 2 Pa. Code §§ 501—508 and §§ 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.193 and §§ 35.225—35.251 (relating to the General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to the Special Rules of Administrative Practice and Procedure); and any other relevant procedural provisions of law.

Motions and/or briefs relevant to the hearing, including motions in limine and briefs addressing significant or

unusual points of law must be filed in writing with the Docket Clerk, Insurance Department, 901 North Seventh Street, Second Floor, Harrisburg, PA 17102 with copies delivered to the Presiding Officer at 929 Mayfield Lane, Chadds Ford, PA 19317 on or before April 25, 1996.

The parties shall exchange exhibits and a list of witnesses on or before April 25, 1996 and send copies of same to the Presiding Officer.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-414. Filed for public inspection March 15, 1996, 9:00 a.m.]

### **Pennsylvania Blue Shield; Manipulation Therapy Encounter Codes and Allowances; Filing No. 96030000**

By filing no. 96030000, Pennsylvania Blue Shield submits for the Department's review and approval new methods and rates of payment to professional providers for manipulation therapy encounter codes. The filing requests approval to implement the new allowances effective July 1, 1996.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal working hours at the Insurance Department's Office in Harrisburg, Philadelphia, Pittsburgh and Erie. This filing consists of 12 pages.

Interested parties are invited to submit written comments, suggestions or objections to Amy Ventresca, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-415. Filed for public inspection March 15, 1996, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of their automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Jodi M. and Dennis Peterson; file no. 95-195-07290; Agway Insurance Company; doc. no. P96-01-032; April 2, 1996, at 9 a.m.;

Appeal of Robert and Ilene Blain; file no. 95-265-3833; Standard Fire Insurance Company; doc. no. PH96-02-006; April 9, 1996, at 11 a.m.;

Appeal of Vance Barr Logan; file no. 95-265-38325; Ohio Casualty Insurance Company; doc. no. PH96-02-010; April 9, 1996, at 1 p.m.;

Appeal of Wallace Locklear; file no. 96-280-30509; Prudential Property & Casualty Insurance Company; doc. no. PH96-02-022; April 9, 1996, at 2 p.m.;

Appeal of John A. McGrath; file no. 96-304-70076; Metropolitan Property & Casualty Insurance Company; doc. no. PI96-02-028; April 11, 1996, at 9 a.m.;

Appeal of Joanne M. Watson; file no. 95-264-38281; Insurance Company of the State of PA; doc. no. PH96-02-035; April 11, 1996, at 11 a.m.;

Appeal of Walter J. Livingston; file no. 95-264-38284; State Farm Mutual Auto Insurance Company; doc. no. PH96-02-011; April 17, 1996, at 9 a.m.;

Appeal of Preston Hensley; file no. 95-265-38506; Flagship City Insurance Company; doc. no. PH96-02-007; May 14, 1996, at 9 a.m.;

Appeal of Charles Onaitis; file no. 96-407-90021; Erie Insurance Exchange; doc. no. E96-02-008; May 14, 1996, at 10 a.m.;

Appeal of Harry J. Katz; file no. 96-265-30034; Erie Insurance Company; doc. no. PH96-02-009; May 14, 1996, at 11 a.m.;

Appeal of Kristine King; file no. 96-265-30151; Flagship City Insurance Company; doc. no. PH96-02-024; May 14, 1996, at 1 p.m.;

Appeal of Khalid Malik, M.D.; file no. 96-407-90134; Erie Insurance Exchange; doc. no. E96-02-023; May 14, 1996, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-416. Filed for public inspection March 15, 1996, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (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 Nationwide Mutual Insurance Company; file no. 95-185-07326; Harold W. Flood, Sr.; doc. no. P96-02-036; April 9, 1996, at 3 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, 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.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-417. Filed for public inspection March 15, 1996, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) in connection with the company's 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 C. Rynone, Est; file no. 95-223-30117; Hanover Insurance Company; doc. no. PH96-02-034; April 11, 1996, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth in 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific examination 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 design-

nated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-418. Filed for public inspection March 15, 1996, 9:00 a.m.]

### James J. Sassa; Hearing

*Appeal of James J. Sassa; PA Assigned Risk Plan; State Farm Mutual Automobile Insurance Company; Doc. No. P96-01-014*

The hearing will be held on Friday, April 19, 1996, at 1 p.m. in Hearing Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. 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 §§ 31.1—35.193, 35.225—35.251 (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is given.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-419. Filed for public inspection March 15, 1996, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-96-036, Dated February 20, 1996. Amends the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Independent State Stores Union (ISSU), Recommendation No. 6, Personal Leave, relating to automation of personal leave through use of Commonwealth's Time and Attendance Reporting System.

Resolution #CB-96-037, Dated February 20, 1996. Amends the Collective Bargaining Agreement and the

Memorandum of Understanding between The Commonwealth of Pennsylvania and the American Federation of State, County, and Municipal Employees (AFSCME), Article 11 and Recommendation 11 Personal Leave Days, relating to automation of personal leave through use of Commonwealth's Time and Attendance Reporting System for employes in nonsupervisory units and for employes in first level supervisory units.

Resolution #CB-96-038, Dated February 20, 1996. Amends the Collective Bargaining Agreement and the Memorandum of Understanding between The Commonwealth of Pennsylvania and the Pennsylvania Nurses Association (PNA), Article 8 and Recommendation 8 Personal Leave Days, relating to automation of personal leave through use of Commonwealth's Time and Attendance Reporting System for employes in nonsupervisory units and for employes in first level supervisory units.

*Governor's Office*

Manual M615.2 Amended Commonwealth Automotive Credit Card Code List—January 1996—Dated January 17, 1996.

Management Directive No. 215.15—Statewide Contracts for the Purchase of Services, January 26, 1996.

Management Directive No. 220.5—Payment of Inter-agency Billings for Centralized Services, amended January 31, 1996.

Management Directive No. 230.10—Travel and Subsistence Allowances, Revision No. 6, dated February 12, 1996.

Management Directive No. 610.13—Local Bids and Local Awards for Goods Costing \$1,500 to \$10,000, amended January 31, 1996.

Administrative Circular No. 96-6—Renaming of the Department of Military Affairs to the PA Department of Military and Veterans Affairs, Dated January 13, 1996.

Administrative Circular No. 96-7—Closing Instruction No. 1, Fiscal Year 1995-96 Submission of Purchasing Documents, Dated January 31, 1996.

Administrative Circular No. 96-8—1996-97 Budget Hearing Materials, Dated February 5, 1996.

Administrative Circular No. 96-9\* Calendar Bases, Calendar Refills, Diaries and Date Books for 1997, Dated February 12, 1996.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 96-420. Filed for public inspection March 15, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0906, Morrisville Shopping Center, 1 E. Trenton Avenue, Morrisville, PA 19067-1005.

*Lease Expiration:* June 30, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500

net useable square feet of new or existing retail commercial space on Trenton Avenue between Old Lincoln Highway and Route 32 in the vicinity of Morrisville.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Bucks County, Wine & Spirits Shoppe #0918, Trevoise Shopping Plaza, 560 Andrews Road, Trevoise, PA 19047-3433.

*Lease Expiration:* January 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space on Brownsville Road between Route 132 and Bristol Road in Trevoise.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Bucks County, Wine & Spirits Shoppe #0921, Yardley Shopping Center, 25 S. Main Street, Yardley, PA 19067-1510.

*Lease Expiration:* March 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space between Route 95 and Delaware River in the vicinity of Yardley.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Bucks County, Wine & Spirits Shoppe #0924, Rosemore Shopping Center, 1047 West County Line Road, Hatboro, PA 19040-1002.

*Lease Expiration:* April 30, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,800 net useable square feet of new or existing retail commercial space south of Street Road, north of County Line Road, east of Valley Road and west of York Road, Warminster Township.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Bucks County, Wine & Spirits Shoppe #0928, The Outlet Mall, 2424 E. Lincoln Highway, Langhorne, PA 19047-3048.

*Lease Expiration:* January 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000

net useable square feet of new or existing retail commercial space within a 1 mile radius of the Oxford Valley Mall.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Delaware County, Wine & Spirits Shoppe #2309, 4117 Edgmont Avenue, Brookhaven, PA 19015-2396.

*Lease Expiration:* January 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space on Edgmont Avenue in Brookhaven Borough.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Delaware County, Wine & Spirits Shoppe #2329, Woodlyn Shopping Center, 1936 MacDade Boulevard, Woodlyn, PA 19094-2005.

*Lease Expiration:* March 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space on MacDade Boulevard between Fernwood Street and Route #320.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Montgomery County, Wine & Spirits Shoppe #4627, 517 S. Broad Street, Lansdale, PA 19446-3701.

*Lease Expiration:* August 31, 1996

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space on Broad Street in the Borough of Lansdale.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Montgomery County, Wine & Spirits Shoppe #4630, North End Shopping Center, 1300 N. Charlotte Street, Pottstown, PA 19464-2313.

*Lease Expiration:* March 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000

net useable square feet of new or existing retail commercial space in the Pottstown Borough.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5120, Academy Plaza Shopping Center, 3224 Red Lion Road, Philadelphia, PA 19114-1109.

*Lease Expiration:* October 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space on Academy Road between Woodhaven Road and Grant Avenue in the City of Philadelphia.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5172, 4719 Rising Sun Avenue, Philadelphia, PA 19120-4220.

*Lease Expiration:* March 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within a ½ mile radius of the intersection of Roosevelt Boulevard and Rising Sun Avenue in the City of Philadelphia.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe #5189, 2807 S. Front Street, Philadelphia, PA 19148-4837.

*Lease Expiration:* February 28, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,600 net useable square feet of new or existing retail commercial space on Front Street between Pattison Avenue and Oregon Avenue in the City of Philadelphia.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

JOHN E. JONES, III  
*Chairperson*

[Pa.B. Doc. No. 96-421. Filed for public inspection March 15, 1996, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Public Utility Municipal Contract filing by The York Water Co. regarding a Main Extension Contract with York Township: Doc. No. U-00952947**

*Commissioners Present:* John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; David W. Rolka; Robert K. Bloom

Public meeting held  
February 22, 1996

## Order

*By the Commission:*

This matter is before the Commission under a submittal by The York Water Co. (York Water) regarding a water main extension contract between York Water and York Township. In this December 18, 1995 contract, York Township agreed to compensate York Water \$23,200 for York Water's extension of two 8-inch water mains. On December 20, 1995 at U-00952947, York Water filed this contract with the Commission under 66 Pa.C.S. § 507.

Section 507 states (emphasis added):

*Except for a contract between a public utility and a municipal corporation to furnish service at the regularly filed and published tariff rates, no contract or agreement between any public utility and any municipal corporation shall be valid unless filed with the commission at least 30 days prior to its effective date. Upon notice to the municipal authorities, and the public utility concerned, the commission may, prior to the effective date of such contract or agreement institute proceedings to determine the reasonableness, legality or any other matter affecting the validity thereof. Upon the institution of such proceedings, such contract or agreement shall not become effective until the commission grants its approval thereof.*

A utility could reasonably assume that a main extension contract between the utility and a municipality would fall within the intendment of 66 Pa.C.S. § 507. However, we reach an opposite conclusion. A main extension contribution is under express tariff authority and is clearly a "rate" within the definition of that term at 66 Pa.C.S. § 102. Therefore, a main extension contract between a utility and a municipality would fall under the exception set forth in section 507, and the filing of such a contract is unnecessary.

In our continuing effort to reduce consumer rates, the Commission seeks to eliminate unnecessary regulatory expenses. Our interpretation of section 507 will relieve utility providers and the Commission of the expense of unnecessary filings; *Therefore,*

*It Is Ordered:*

1. That the filing by The York Water Co. under 66 Pa.C.S. § 507 regarding a main extension contract with York Township is hereby declared outside of the intendment of section 507 and is thus unnecessary.

2. That this order shall be published in the *Pennsylvania Bulletin* so as to provide notice to other interested parties of the Commission policy position embodied in this order. The contact people for the published order are

Stephen E. Gorka (717) 787-3490 and David Newcomer (717) 787-6381.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-422. Filed for public inspection March 15, 1996, 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 April 8, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of *discontinuance of service* for the transportation of persons as described under each application.**

**A-00100861, F. 2, Am-B. David R. Williams, t/d/b/a Williams Bus Lines** (532 Blackman Street, Wilkes-Barre, Luzerne County, PA 18702)—discontinuance of service—persons on schedule, and in addition, packages not exceeding 50 pounds in weight which can be transported in buses, without the removal of seats and without interference with the accommodation, convenience and safety of passengers, over the following routes in Luzerne County: *Blytheburn-Wilkes-Barre Route:* beginning in the village of Blytheburn, thence via Township Road T-408, State Highway Legislative Route 40023, Township Road T-460 and U. S. Traffic Route 309 through the villages of Albert and Mountain Top and the borough of Ashley to South Main Street in the city of Wilkes-Barre, thence east on South Main Street to applicant's terminus on the Public Square in the city of Wilkes-Barre; and over the following spur route: beginning in the village of Mountain Top, thence via State Highway Legislative Route 40040 and Township Road 456 to the village of Glen Summit, and returning over the same route; and over the following alternate route: beginning at the intersection of the Alberts-Rita Road and State Highway Legislative Route 40023 in the village of Albert in Wright Township, thence on the Alberts-Rita Road to its intersection with Township Road 395 in the village of Rita, thence on Township Road 395, State Highway Legislative Route 40040, Township Road 458 and State Highway Legislative Route 40126 to its intersection with Township Road 456 in or near the village of Glen Summit, and returning over the same route; and over the following connecting route: beginning at the intersection of Township Road 460 and Kirby Avenue (Township Road 456) in Fairfield Township, thence on Kirby Avenue to its intersection with State Highway Legislative Route 40040, and returning over the same route; and over the following spur routes: (1) beginning at the intersection of the Foster-Wheeler Road and State Highway Legislative Route 40040, thence on the Foster Wheeler Road to the Foster-Wheeler Corporation Plant, a distance of 1/4 of a mile, and returning over

the same route; (2) beginning at the intersection of U. S. Highway Route 309 and State Highway Legislative Route 40125 (Pine Run Road) in Hanover Township, thence on State Highway Legislative Route 40125 to its intersection with State Highway Legislative Route 40039 (Old Wilkes-Barre-Easton Turnpike) in the borough of Laurel Run, thence on State Highway Legislative Route 40039 1/2 mile to Olivers Mills in said borough, and returning over the same route; and over the following route between the village of Albert and the borough of Nuangola: beginning at the intersection of Highway Routes 40023 and 40112, thence via Highway Route 40112 and 40024 to the borough of Nuangola; with an alternate route between the borough of Nuangola and the intersection of Highway Routes 40024 and 40023 via Highway Route 40024; with the right to render shuttle service and through service between points on the aforesaid routes and with the right to transport newspapers from the city of Wilkes-Barre to points on the aforesaid routes; subject to the following conditions: that no right, power or privilege is granted to furnish local service between the terminus of the borough line in Ashley and the Public Square in Wilkes-Barre; that no right, power or privilege is granted hereby to transport persons between points on that portion of applicant's certificated base route north of the village of Mountain Top and points on that portion of applicant's certificated route along Alberts-Rita Road situated within 1/4 mile of its intersection with U. S. Highway Route 309; *Spur Route to the Blytheburn-Wilkes-Barre Route*: beginning in the borough of Ashley, Luzerne County, at the intersection of Interstate Highway Route 81 and the South Cross Valley Expressway; a point on the presently certificate route; thence via the South Cross Valley Expressway to its intersection with U. S. Highway Route 11, thence via U. S. Highway Route 11 to the Susquehanna Steam Electric Plant of PP&L, located in the township of Salem, Luzerne County, and return.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00112836. Robert T. Hughes, t/d/b/a V.I.P. Transportation Service** (P. O. Box 1644, Philadelphia, Philadelphia County, PA 19105)—persons in paratransit service, from points in the city and county of Philadelphia to State Correctional Institutions at (1) Coal, Coal Township, Northumberland County, (2) Dallas, Jackson Township, Luzerne County, (3) Frackville, Ryan Township, Schuylkill County, (4) Graterford, Skippack Township, Montgomery County, (5) Mahanoy, Ryan Township, Schuylkill County, (6) Retreat, Newport Township, Schuylkill County, (7) Waymart, Cannan Township, Wayne County, (8) Camp Hill, Lower Allen Township, Cumberland County, (9) Cresson, Cresson Township, Cambria County, (10) Huntingdon, Smithfield Township, Huntingdon County, (11) Muncy, Clinton Township, Lycoming County, (12) Rockview, Benner Township, Centre County, (13) Smithfield, Smithfield Township, Huntingdon County, (14) Albion, Conneaut Township, Erie County, (15) Cambridge Springs, Cambridge Township, Crawford County, (16) Greene, Morgan Township, Greene County, (17) Greensburg, Hempfield Township, Westmoreland County, (18) Pittsburgh, city of Pittsburgh, Allegheny County, (19) Somerset, Brothers Valley Township, Somerset County, and (20) Waynesburg, Morgan Township, Greene County; and the Mercer State Regional Correctional Facility, Findley Township, Mercer County and vice versa.

**A-00112373. Edward W. Blazis and Dawn S. Blazis, t/d/b/a Magic Carpet Limousine** (R. R. 1, Box 1203, Barnesville, Schuylkill County, PA 18214)—persons in limousine service between points in the county of Schuylkill, and from points in said county to points in Pennsylvania and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.**

**A-00106620, Folder 2, William T. Malloy, t/d/b/a Are You Moving** (3165 Cheltenham Court, Gibsonia, Allegheny County, PA 15044)—(1) as a Class B carrier, household goods in use, between points in the city of Pittsburgh, Allegheny County; (2) as a Class D carrier, household goods in use, from points in the city of Pittsburgh, Allegheny County, to points within 10 miles by the usually traveled highways of the City-County Building in the said city, and vice versa; which is to be a transfer of *part* of the rights authorized under the certificate issued at A-00111048 to Grimm Motor Express, Inc., subject to the same limitations and conditions. *Attorney*: Sally A. Davoren, 201 Pilgrims Building, 508 Allegheny River Boulevard, Oakmont, PA 15139.

**Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before April 1, 1996.

- |                  |  |
|------------------|--|
| A-00112849       | Joseph W. Cummings, Jr.<br>241 S. Kinzer Road, Paradise, PA<br>17562   |
| A-00112850       | Thomas James Kaveney, t/d/b/a T J<br>Kourier<br>3953 Leprechaun Lane, Erie, PA<br>16510  |
| A-00112853       | Combined Express, Inc.<br>290 B Canal Road, Fairless Hills,<br>PA 19030  |
| A-00112856       | Thomas L. Repman, t/d/b/a Repman<br>Trucking<br>12165 Ashton Road, Wattsburg, PA<br>16442  |
| A-00111219, F. 2 | Gary Krogolski, t/d/b/a GK Trucking<br>169 South Mountain Boulevard,<br>Mountain Top, PA 18707   |
| A-00112854       | Harry M. Shoup<br>36 Christy Road, Delmont, PA<br>15626  |
| A-00112855       | Donald M. Panza, t/d/b/a AMFM-<br>Alternative Means of Freight<br>Movement<br>2 Arwin Drive, No. 8, Hummels-<br>town, PA 17036   |
| A-00112857       | Crown Battery Transport, Inc.<br>P. O. Box 990, 1445 Majestic Drive,<br>Fremont, OH 43420; Andrew K.<br>Light, 1777 Market Tower, 10 West<br>Market Street, Indianapolis, IN<br>46204-2971 |



- A-00112858 Bowser-Regal, Inc., t/d/b/a Regal Service Company  
P. O. Box 509, North East, PA 16428
- A-00112859 Connell Equipment, Inc., t/d/b/a RLE Enterprises  
P. O. Box 249, Moscow, PA 18444:  
Mark S. Jennings, 303 Tenth Street, Honesdale, PA 18431
- A-00112860 Jeffrey R. Drescher, t/d/b/a Jeffrey R. Drescher Trucking  
R. R. 2, Box 989, Hawley, PA 18428
- A-00112861 PNJ, Inc., t/d/b/a Mail Boxes Etc.  
1151 Freepoint Road, Pittsburgh, PA 15238
- A-00112862 Filer Trucking, Inc.  
R. D. 6, Box 505, New Castle, PA 16101

JOHN J. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-423. Filed for public inspection March 15, 1996, 9:00 a.m.]

Telecommunications Service  
Without Hearing

**A-310125F0002. AT&T Communications of Pennsylvania, Inc.** Application of AT&T Communications of Pennsylvania, Inc. to amend its Certificate of Public Convenience to begin to offer, render, furnish or supply competitive local exchange telecommunications services to the public in the Commonwealth of Pennsylvania and petition to establish competitively viable resale rates.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before April 1, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Daniel Clearfield, Esquire, Gerald Gornish, Esquire, Wolf, Block, Schorr and Solis-Cohen, 305 N. Front Street, Suite 401, Harrisburg, PA 17101.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-424. Filed for public inspection March 15, 1996, 9:00 a.m.]

Telecommunications Service  
Without Hearing

**A-310071F0002. Commonwealth Long Distance Company.** Application of Commonwealth Long Distance Company for a certificate of public convenience and necessity in order to operate as a local exchange telecommunications company throughout the Commonwealth.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before April 1, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Andrew D. Lipman, Esquire, Russell M. Blau, Esquire, Swidler & Berlin, Chartered, 3000 K Street, N.W., Suite 300, Washington, DC 20007.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-425. Filed for public inspection March 15, 1996, 9:00 a.m.]

Telecommunications Service  
Without Hearing

**A-311050F5000. Denver and Ephrata Telephone and Telegraph Company.** Application of Denver and Ephrata Telephone and Telegraph Company (Denver & Ephrata) for approval of its formation of a holding company, D & E Communications, Inc. (D&E Comm), and the subsequent transfer of all the common stock of Denver & Ephrata to D&E Comm.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before April 1, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Patricia Armstrong, Esquire, D. Mark Thomas, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-426. Filed for public inspection March 15, 1996, 9:00 a.m.]

Telecommunications Service  
Without Hearing

**A-310221F5000. Red Rose Systems, Inc.** Application of Red Rose Systems, Inc., for approval of the acquisition of all of its outstanding common stock by D & E Communications, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before April 1, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Patricia Armstrong, Esquire, D. Mark Thomas, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-427. Filed for public inspection March 15, 1996, 9:00 a.m.]

Transmission Line  
With Hearing

**A-111250 F-0062. West Penn Power Company.** Application has been made to the Pennsylvania Public Utility Commission, under the provisions of the Public

Utility Code, by West Penn Power Company for an order evidencing the Commission's approval for authorization to locate and construct the Harrison City Loop 138 kV transmission line located in Westmoreland County, PA.

A public hearing on this proceeding will be held Wednesday, May 1, 1996, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA when and where all persons in interest may appear and be heard if they so desired.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-428. Filed for public inspection March 15, 1996, 9:00 a.m.]

### Water Service Without Hearing

**A-210009F0002. Waterflow Pike, Inc. and Waterflow Wayne, Inc.** Application has been made to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Code, by Waterflow Pike, Inc. and Waterflow Wayne, Inc. for approval of (1) the separate transfer by Waterflow Wayne, Inc. of water utility properties to the Rockledge, Knollwood, Millbrook and Paradise Point Homeowners' Associations, (2) the transfer by Waterflow Wayne, Inc. of water utility property employed in the Woodland Hills development to Waterflow Pike, Inc., (3) the acquisition by Waterflow Pike, Inc. of all the common stock of Waterflow Wayne, Inc., (4) the right of Waterflow Pike, Inc. to begin to furnish water service in the Woodland Hills territory formerly served by Waterflow Wayne, Inc., and (5) the right of Waterflow Wayne, Inc. to abandon all water service in the developments of Rockledge, Knollwood, Millbrook, Paradise Point and Woodland Hills, all in Paupack Township, Wayne County.

This application may be considered by the Commission without a hearing. Protests or petitions to intervene may, however, be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served upon applicant on or before April 1, 1996, under 52 Pa. Code (relating to public utilities).

*Address of applicant:* Barry J. Newcomer, Officer, Waterflow Pike, Inc., Third Floor—434 Lackawanna Avenue, Scranton, PA 18503.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-429. Filed for public inspection March 15, 1996, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, April 4, 1996, for Project #96-060-001 for Propane Requirements (bulk/cylinder) and Oxygen Cylinders. The Bid Document can

be obtained from the Procurement Administrator, Philadelphia Regional Port Authority (PRPA), 210 W. Washington Square, 8th Floor, Phila., PA 19106, (215) 928-9100 and will be available March 19, 1996. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 96-430. Filed for public inspection March 15, 1996, 9:00 a.m.]

## STATE HEALTH FACILITY HEARING BOARD

### Appeal of St. Clair Memorial Hospital of a Decision of the Department of Health under the Health Care Facilities Act

A hearing will be held to review a decision of the Department of Health, granting approval of applicant, Pittsburgh G. I. Surgical Center, to establish a single specialty ambulatory surgical facility limited to endoscopy procedures with two operating rooms in Bethel Park, PA at a cost of \$1,178,616.

The hearing will commence on Thursday, April 11, 1996, at 1:30 p.m. at the Howard Johnson Airport, 2101 Montour Church Road, Pittsburgh, PA.

The hearing is subject to cancellation without further notice.

PAUL J. CAREY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-431. Filed for public inspection March 15, 1996, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

### Request for Bids

California University of Pennsylvania of the State System of Higher Education (System) is interested in obtaining bids for CAL-295.1—door replacement in Vulcan Hall Building on the California University Campus. The project is estimated to be in the range of \$10,000 to \$25,000. Interested bidders can request the University's project manual from Burt Hill Kosar Rittlemann Associates, (412) 394-7000. There will be a nonrefundable cost of \$30 per project manual. There will be a preproposal conference held on March 22, 1996, at 1 p.m., Room 117, Azorsky Administration Building.

California University of Pennsylvania of the State System of Higher Education (System) is interested in obtaining bids for CAL-300.1—masonry restoration repairs for several buildings on the California University Campus. The project is estimated to be in the range of \$100,000 to \$500,000. Interested bidders can request the University's project manual from Burt Hill Kosar

Rittlemann Associates, (412) 394-7000. There will be a nonrefundable cost of \$40 per project manual. There will be a preproposal conference held on March 22, 1996, at 2 p.m., Room 117, Azorsky Administration Building.

The system encourages responses from small firms, minority firms, women-owned firms, and firms which have not previously performed work for the system, and will consider joint ventures which will enable these firms to participate in system professional services contracts.

JAMES H. McCORMICK,  
*Chancellor*

[Pa.B. Doc. No. 96-432. Filed for public inspection March 15, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting sealed bids for:

- 1) 3/4 Ton Passenger—Van Type (First Responder)  
Open Date: March 28, 1996, 11 a.m.
- 2) Water System Improvements, Highspire Service Plaza, MP 249.72 EB, Dauphin County  
Open Date: April 3, 1996, 11:30 a.m.

Bids will be received by the Director of Purchases not later than the time indicated above. Bid Proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-433. Filed for public inspection March 15, 1996, 9:00 a.m.]

### Request for Bids

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, 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. 96-006-RP70.** Roadway repairs between M. P. A-0.00 and M. P. A-55.72, exit 34 in Bucks, Montgomery, Lehigh and Carbon Counties, PA.

*Bid Opening:* April 2, 1996, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public for inspection at the Administration Building. Copies may be purchased upon payment of \$25 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Attn: *Secretary/Treasurer's Office*. No refund will be made for any reason.

A prequalification certification and maximum capacity rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-434. Filed for public inspection March 15, 1996, 9:00 a.m.]

### Request for Bids

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, 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. 96-006-RS51.** Roadway repairs between M. P. 28.44, Exit 3 and M. P. 75.20, Exit 8 in Butler, Allegheny and Westmoreland Cos., PA.

*Bid Opening:* April 2, 1996, 11:30 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public for inspection at the Administration Building. Copies may be purchased upon payment of \$25 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Attn: *Secretary/Treasurer's Office*. No refund will be made for any reason.

A prequalification certification and maximum capacity rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-435. Filed for public inspection March 15, 1996, 9:00 a.m.]

### Request for Bids

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, 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. 95-003-RF02-C.** Bituminous overlay, ID-3, SRL-E and bridge repairs from M. P. 122.18 to M. P. 129.00 and the installation of recessed reflective pavement markers from M.P. 129.00 to M. P. 133.00 in Somerset and Bedford Cos., PA.

*Bid Opening:* April 10, 1996, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public for inspection at the Administration Building. Copies may be purchased upon payment of \$25 per paper copy set (do not add State tax)

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NOTICES

by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Attn: *Secretary/Treasurer's Office*. No refund will be made for any reason.

A prequalification certification and maximum capacity rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-436. Filed for public inspection March 15, 1996, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$10,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**

### Commodities

<p><b>0015-05</b> PA 601/600 Common Applications Form.  <b>Department:</b> Public Welfare  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>0017-03</b> Diplomas.  <b>Department:</b> All Using Agencies  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>0018-03</b> General highway county maps.  <b>Department:</b> Transportation  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>0023-03</b> Tax booklets.  <b>Department:</b> Revenue  <b>Location:</b> Various Locations  <b>Duration:</b> 08/01—07/31  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>0023-23</b> Revenue tax booklets.  <b>Department:</b> Revenue  <b>Location:</b> Various Locations  <b>Duration:</b> 08/01—07/31  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>0046-03</b> PA geology.  <b>Department:</b> Environmental Protection, Conservation and Natural Resources  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>0048-03</b> Pinfeed pressure sensitive labels.  <b>Department:</b> All Using Agencies  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>0087-01</b> Welfare medical assistance forms.  <b>Department:</b> Public Welfare  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>2550-07</b> Auto repair and maintenance Ford, no substitute.  <b>Department:</b> State Police  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p>	<p><b>2550-09</b> Auto repair and maintenance GM, no substitute.  <b>Department:</b> State Police  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>2805-01</b> Engine parts, no substitute.  <b>Department:</b> Transportation  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>4210-01</b> Fire extinguishers.  <b>Department:</b> All Using Agencies  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>5680-01</b> Crack and joint sealing materials.  <b>Department:</b> Transportation  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>5810-04</b> Software licenses, Microsoft.  <b>Department:</b> General Services  <b>Location:</b> Harrisburg, Dauphin County, PA  <b>Duration:</b> 06/15—06/14  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>5810-05</b> FTP software site license.  <b>Department:</b> General Services  <b>Location:</b> Harrisburg, Dauphin County, PA  <b>Duration:</b> 06/01—05/31  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>6140-01</b> Batteries, electric storage.  <b>Department:</b> General Services  <b>Location:</b> Harrisburg, Dauphin County, PA  <b>Duration:</b> 08/01—07/31  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>7220-01</b> Matting, floor.  <b>Department:</b> All Using Agencies  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>7920-07</b> Scouring pads.  <b>Department:</b> General Services  <b>Location:</b> Harrisburg, Dauphin County, PA  <b>Duration:</b> 06/01—05/31  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>7930-06</b> Laundry products/service.  <b>Department:</b> All Using Agencies  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>8110-01</b> Cans, No. 10 and covers, beaded.  <b>Department:</b> Correctional Industries  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p> <hr/> <p><b>8405-02</b> Rainwear.  <b>Department:</b> All Using Agencies  <b>Location:</b> Various Locations  <b>Duration:</b> 07/01—06/30  <b>Contact:</b> Vendor Services, (717) 787-2199 or (717) 787-4705</p>
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- 8430-04** Shoes, canvas.  
**Department:** All Using Agencies  
**Location:** Various Locations  
**Duration:** 07/15—07/14  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 8960-01** Water, drinking (Capitol Complex and 20 mile radius).  
**Department:** All Using Agencies  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
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- 9110-01** Coal, Anthracite.  
**Department:** All Using Agencies  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 9110-02** Coal, Bituminous.  
**Department:** All Using Agencies  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 9110-03** Coal, Bituminous, Zero FSI one (1).  
**Department:** Public Welfare  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 9130-03** Gasoline, unleaded.  
**Department:** All Using Agencies  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
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- 9310-02** Xerographic copy paper.  
**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 9905-01** Registration plates.  
**Department:** Transportation  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 9905-03** Material, registration plate.  
**Department:** Corrections  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 9905-06** Reflective/nonreflective sheeting and access.  
**Department:** Transportation  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 9905-08** Signs/plastic/workarea and stop/slow paddles.  
**Department:** Transportation  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 9905-10** Light arrow boards, towed.  
**Department:** Transportation  
**Location:** Various Locations  
**Duration:** 07/01—06/30  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 1890385** Tractors—1 each; latest model agricultural/general purpose wheel tractor.  
**Department:** Environmental Protection  
**Location:** Evansburg State Park, Collegeville, Montgomery County, PA 19426-1202  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 1892385** Tractors—1 each; latest model tractor with front deck mower.  
**Department:** Environmental Protection  
**Location:** Chapman State Park, Clarendon, Warren County, PA 16313-9607  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
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- 1905215** Motor vehicles, trailers and cycles—1 each; 1996 model 18' van body truck.  
**Department:** Public Welfare  
**Location:** Western Center, Canonsburg, Washington County, PA 15317-2213  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 1977385** Highway maintenance equipment—1 each; latest model front deck mower.  
**Department:** Environmental Protection  
**Location:** French Creek State Park, Elverson, Chester County, PA 19520-9523  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2009385** Tractors—1 each; latest model agricultural/general purpose wheel tractor.  
**Department:** Environmental Protection  
**Location:** Tuscarora State Park, Barnesville, Schuylkill County, PA 18214-9715  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2018385** Tractors—1 each; latest model four wheel drive tractor w/rear 7" sickle bar mower.  
**Department:** Environmental Protection  
**Location:** Gifford Pinchot State Park, Lewisberry, York County, PA 17339  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2166355** Motor vehicles, trailers and cycles—3 each; 1996 model passenger type mini-van.  
**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2167355** Motor vehicles, trailers and cycles—1 each; 1996 model passenger type mini-van.  
**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2214385** Motor vehicles, trailers and cycles—10 each; 1996 model large size enclosed type 4x4 truck.  
**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2224385** Motor vehicles, trailers and cycles—1 each; latest model turf mower.  
**Department:** Conservation and Natural Resources  
**Location:** Gardners, Adams County, PA 17324  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2247125** Electric and electronic equipment components—various amounts; Sencore-TVA92—tv analyzer, no substitute; Sencore-SC3100—auto tracker waveform analyzer—100 mhz, no substitute; Sencore-VC93 all format—vcr analyzer, no substitute; Encore-CVA94—camera video analyzer, no substitute, Sencore-VR940—video reference, no substitute; Sencore-SG80—analyzer, am-fm stereo.  
**Department:** Public Welfare  
**Location:** Hiram G. Andrews Center, Johnstown, Cambria County, PA 15905-3092  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2300355** Stack testing equipment—as required by the Bureau of Air Quality—various amounts w/appropriate accessories and cabling.  
**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-8468  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2315115** Household and commercial furnishings and appliances—various amounts; commercial sewing machines w/appropriate accessories.  
**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA 19426  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2350355** Data processing and computer equipment and supplies—1 each; recorder, portable 120-240 vac, continuous 15" single thermal array head with micropulsing—1 each; amplifier board (for above)—1 each; cable dual-banana 2500 v probe—1 each; front cover TA6000 benchtop—6 each; chart paper, TAX000 through FF, 6 pk./box.  
**Department:** Environmental Protection  
**Location:** Uniontown, Fayette County, PA 15401  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
- 
- 2356215** Data processing and computer equipment and supplies—10 each; Artic transport—615/bv, transportable system for total computer access by the blind.  
**Department:** Public Welfare  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
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- 2391115** Food preparation and serving equipment—3 each; cook and hold oven.  
**Department:** Corrections  
**Location:** Waynesburg, Greene County, PA 15370  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
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- 2397225** Electric and electronic equipment components—20 each ground rods, copper coating bonded to rigid steel core, 5/8" diameter x 8'0" long, Porcelain Products Co. No. 8438 or equal and related supplies.  
**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705
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- 2404115** Closed circuit TV—1 system; furnish and render operational closed circuit television components listed which are to be placed throughout the State Correctional Institution at Graterford by licensed electricians.  
**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA 19426-0246  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2406385** Electric wire and power and distribution equipment—1 each; furnish and render operational a 30 KW electric generator with a propane engine complete with all anchor bolts, fuel lines, regulators, exhaust system, lockable weather tight enclosure, electrical connections and new concrete pad.

**Department:** Conservation and Natural Resources  
**Location:** Fayetteville, Franklin County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2430115** Elevator—1 lot; contractor must furnish and install equipment and required components to have this working in top condition.

**Department:** Corrections  
**Location:** Cresson, Cambria County, PA 16630-0001  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2435115** Cameras, lenses and supplies—1 system; perimeter intrusion detection system.

**Department:** Corrections  
**Location:** Greensburg, Westmoreland County, PA 15601-8999  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2442225** Safety and rescue equipment—48 each body armor, Safariland hyper-lite bullet resistant armor, Models WM-2-9301 and WF-2-9302, threat level II, no substitute.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2448115** Communication equipment and supplies—1 each, furnish and render operational a microprocessor based video switcher/control system designed for closed circuit television applications.

**Department:** Corrections  
**Location:** State Correctional Institution Smithfield, Huntingdon, Huntingdon County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2470075** Paper and printing equipment and supplies—4,500 m; WIC Automated food instrument (afi).

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA 17108-0090  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2472135** Motor vehicles, trailers and cycles—11 each; snow thrower No. ST 824 DL, as manufactured by Ariens Co. or approved equal.

**Department:** Military Affairs  
**Location:** Annville, Lebanon County, PA 17003-5002  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2474385** Electric wire and power and distribution equipment—1 each furnish and render operational a 70 KW electric generator with a propane engine complete with all anchor bolts, fuel lines, regulators, exhaust system, and electrical connections.

**Department:** Conservation and Natural Resources  
**Location:** Shawnee State Park, Schellsburg, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2479165** Paper and printing equipment and supplies—75m; PDE-4028 Student Intake/data form—10m; PDE-5015 Adult basic education programs staff data form.

**Department:** Management Services  
**Location:** Harrisburg, Dauphin County, PA 17126-0333  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2481225** Electric and electronic equipment components—1 each; transformer, 50 kva, 1 phase, 480 v pri, 240/120 v sec, 60 hz, squared No. 50S3H or approved equal and related supplies.

**Department:** Fish and Boat Commission  
**Location:** Tylersville Fish Culture Station, Logantown, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2482355** Data processing and computer equipment and supplies—1 system; one system technical upgrade to MTI Stingray III subsystem and disk controllers—no substitute.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-8761  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2488115** Prefab structures and scaffolding—1 each furnish only; light gauge galvanized framing building system.

**Department:** Corrections  
**Location:** State Correctional Institution Waymart, Waymart, Wayne County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2502355** Photographic equipment and supplies—1 lot; infrared imaging system.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-8772  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2505125** Paper and printing—750 m; UC-44FR/F3 EM, request for relief from charges notice of financial determination, easy mailer.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA 17121  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2506215** Household and commercial furnishings and appliances—8 each; bathing unit complete, stationary patient life ("saf-lift"), patient transfer chair ("saf-kary"), patient seat—("saf-kary low back seat").

**Department:** Public Welfare  
**Location:** Polk, Venango County, PA 16342  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2508125** Data processing and computer equipment and supplies—1 each; communications controller: IBM 3174-11L, no substitute.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA 17121  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2509075** Paper and printing—10m; Fiscal billing forms.

**Department:** Health  
**Location:** Exton, Chester County, PA 19341-0500  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2524155** Data processing and computer equipment and supplies—4 each; furnish and render operational Model No. M2104LL/B Macintosh Quadra 650 8mb hard disk 500 w/CD-Rom, extended keyboard and 14" color monitor.

**Department:** State System of Higher Education  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2525155** Data processing and computer equipment and supplies—1 lot; furnish and render operational, an archiving system Model No. Pax-It to include frame grabber and computer system with monitor. No substitution.

**Department:** State System of Higher Education  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2526155** Data processing and computer equipment and supplies—various amounts; computers w/appropriate accessories and components—must furnish and render operational.

**Department:** State System of Higher Education  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2527205** Alarm and signal systems—300 each; lights, warning, portable, with red lens, 90 lb. pull magnet and heavy duty cord.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA 17103  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2529115** Fencing—various amounts; posts w/appropriate accessories.

**Department:** Corrections  
**Location:** Albion, Erie County, PA 16475-0001  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2533135** Service and trade equipment—various amounts; linen carts, over the road—referenced model: Intermetro Industries Corp. Flourtown, PA 19031 Special OTR-48, Model No. CC3562. Stainless steel w/casters, and all accessories. To be delivered complete. Or approved equal.

**Department:** Military Affairs  
**Location:** Spring City, Chester County, PA 19475  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2534155** Office supplies—10,486 m; Commonwealth telephone directory.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2549185** Promotional and Public Relations Materials—9 each; TDN/Big 4 drawing machine—18 each; numbered ball sets.

**Department:** Revenue  
**Location:** Middletown, Dauphin County, PA 17057-5492  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2550155** Hospital equipment and supplies—1each; Biosound ultrasound.

**Department:** State System of Higher Education  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2551155** Hospital equipment and supplies—1 each; Shimadzu fluoroscope/radiograph.

**Department:** State System of Higher Education  
**Location:** University of Pittsburgh, Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**7313370** Containers, household, commercial, packaging and packing—6m; box, "Texas Bin", one (1) piece construction, with two inside partitions per unit.

**Department:** Liquor Control Board  
**Location:** Harrisburg, Dauphin County, PA 17124-0001  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**7313430** Containers, household, commercial, packaging and packing—1 each; automatic sleeve wrap sealing system.

**Department:** Liquor Control Board  
**Location:** Harrisburg, Dauphin County, PA 17124-0001  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705



**8055330** Data processing and computer equipment and supplies—39 each; port control units.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8071730** Building and construction materials—various gallons; crack filling and sealing.

**Department:** Transportation  
**Location:** Franklin, Venango County, PA 16323  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8205260** Paper and printing equipment and supplies—1 each; two (2) color printing press.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8205280** Office supplies—various amounts; staplers and appropriate accompanying accessories.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8231040** Highway maintenance equipment—4 each; graders w/appropriate accessories.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8231130** Construction, mining, excavating and highway maintenance equipment—2 each; tank, asphalt storage, 10k gal., 3 phase electric.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8231340** Highway maintenance equipment—118 each; Plow Wing w/accessories as applicable.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

## SERVICES

### Personnel/Clerical Services—02

**TUT-DR/BUS-006** The Hiram G. Andrews Center is seeking the services of professional tutors to provide supportive tutorial instruction/remediation to a maximum of 40 Act 101 students enrolled in the Associate Specialized Business Program and/or the Associate Specialized Technology Drafting Program. The tutors will be needed for approximately 20 flexible hours weekly for each program. This will not result in a contract for employment.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905  
**Duration:** 7/1/96 to 6/30/99 with renewal option  
**Contact:** R. D. Robinson, Chief Purchasing Agent, (814) 255-8210

### Telecommunications Services and Equipment—03

**BL-533** TV Service Design and installation: design a television cable distribution system within campus dormitories, consisting of (7) buildings to deliver service to each room. Buildings vary from 2 to 9 floors. It is estimated there will be approximately 1100 user connections. Work that will be required is the complete design based on criteria given by the University, and the complete furnishing of equipment and all work necessary to complete the project. Signal is presently provided to each building, contractor will be required to take the existing signal and split it to each room and each floor using coax trunk feeders. Proposals to be submitted will be all inclusive with the contractor to provide design; equipment and all required labor and equipment necessary to complete the project. The RFP (Request for Proposals) will be evaluated on technical and cost separately with evaluation criteria appearing in the proposal request package. It is anticipated that the requests for proposal will be released approximately March 25, 1996. To receive the package contact Joe Quinn, (717) 389-4311 on or before that date.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA 17815  
**Duration:** 3 months  
**Contact:** Joseph C. Quinn, (717) 389-4311

### Construction—04

**Contract No. FDC-210-163** Rehabilitation of sewage lift stations at Moraine State Park. Work includes removal of existing contents and installation of new package pump stations; sealing wet wells; installing generator and emergency alarms; and associated electrical work.

**Department:** Conservation and Natural Resources  
**Location:** Brady, Franklin, Worth and Muddy Townships, Butler County  
**Duration:** 180 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-440-103** Repairs to two residences at Salt Spring State Park. Work includes new windows, interior partitions, floors, bathrooms, kitchens and painting plus necessary heating, plumbing and electrical work.

**Department:** Conservation and Natural Resources  
**Location:** Franklin Township, Susquehanna County  
**Duration:** 180 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-112-147** Installation of a water supply and distribution system at Kettle Creek State Park. Work includes water filtration equipment, new water treatment building, precast below ground sludge tank, raw water supply line, distribution piping, all necessary valves and accessories, and fountains and hydrants.

**Department:** Conservation and Natural Resources  
**Location:** Leidy Township, Clinton County  
**Duration:** 180 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-112-148** Electrical work associated with the installation/construction of water filtration equipment, treatment building, supernatant tank, and treatment equipment at Kettle Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Leidy Township, Clinton County  
**Duration:** 180 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**FM 08769501** Supply all labor, tools, equipment, building materials and appurtenances to furnish new automatic opening doors. Also included is an automatic operator for the existing swing door. Remove existing aluminum doors, frame and glass for 2 sets of doors; furnish/install 2 new sets of exterior, automatic sliding doors; furnish/install transom mounted automatic operator to existing swing door and relocate existing card access reader; pick-up existing electric circuits and extend the electrical wiring and conduit to the new doors; patch/repair existing walls, floors and ceiling to match adjacent finishes; and install pressure treated railing.

**Department:** Public Welfare  
**Location:** Altoona Center, 1515 Fourth Street, Altoona, Blair County, PA 16601  
**Duration:** 120 days from effective date of contract  
**Contact:** Cora Davis, Purchasing Agent I, (814) 472-0288

**IN-709** NSF Grant Weyandt Hall. Work included under project NSF Grant, Weyandt Hall consisting of removing existing visual display boards, furniture, partitions, asbestos materials, concrete, ceiling panels and grid, fixed casework, unit ventilators, air handlers, piping, sink, water purification unit, lighting fixtures, panelboards, wiring, conduit, etc., to furnish and install new concrete, fume hoods, projection screens, visual display boards, casework, gypsum board, E.P.D.M. membrane, resilient tile flooring, paint, split system air conditioning, exhaust fans, diffusers, ductwork, refrigerant piping, dampers, steam piping, ball valves, piping, sinks, water purification unit, conduit wiring, lighting fixtures, panelboards, circuit breakers, etc. Phone: (412) 357-2289. FAX: (412) 357-6480.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-4851

**95-243** The contractor shall provide services to resurface the parking lot at Kitchen No. 2 at the State Correctional Institution at Camp Hill. The size of the area to be resurfaced is 166 ft. x 66 ft. and shall have a 4" binder with a 2" topcoat. All materials and labor shall be provided by the contractor.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837-2500, Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** April 1, 1996 to June 30, 1996  
**Contact:** Delores Stephens, (717) 737-4531

**Service Purchase Contract No. 224503** Paving cabin area, maintenance area and boat launch area at French Creek State Park. Sealed bids will be received in Regional Park Office No. 4, 2808 Three Mile Run Road, Perkasie, PA 18944 until 2:00 p.m. prevailing time on April 8, 1996 and then publicly opened and read. Documents containing all pertinent information must be obtained from the office of the Regional Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** French Creek State Park, 8432 Park Road, Elverson, Berks County, PA 19520-9523  
**Duration:** June 30, 1996  
**Contact:** Regional Park Office, (215) 433-5016

**Service Purchase Contract No. 224502** Work shall consist of paving a walkway for the physically challenged from the park area at the boat launch to the fishing pier and then to the swimming pool complex in Lackawanna State Park. Sealed bids will be received in Regional Park Office No. 4, 2808 Three Mile Run Road, Perkasie, PA 18944-2065, until 2:00 p.m. prevailing time April 8, 1996 and then publicly opened and read. Documents containing all pertinent information must be obtained from the office of the Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Lackawanna State Park, R. R. 1, Box 230, Dalton, Lackawanna County, PA 18414  
**Duration:** June 30, 1996  
**Contact:** Regional Park Office, (215) 453-5016

**Service Purchase Contract 221789** New office sewer extension at Tuscarora State Park. Sealed bids will be received in Regional Park Office, 2808 Three Mile Run Road, Perkasie, PA 18944 until 2:00 p.m. prevailing time on April 4, 1996, and then publicly opened and read. Documents containing all pertinent information must be obtained from the office of the Regional Park Manager.

**Department:** Conservation and Natural Resources, Tuscarora State Park, R. R. 1, Box 1051, Barnesville, Schuylkill County, PA 18214-9715  
**Duration:** June 30, 1996  
**Contact:** Regional Park Office, (215) 453-5016

**00696 000 95 ADA** ADA Improvements. The work of this project will include the renovation of the approach to and interior of the existing visitors center. A requirement of bidding is that all bidders must visit the site and sign an attendance sheet certifying that they have examined the site of the work. The PA Historical and Museum Commission will receive bids until 3:00 p.m. Monday, April 8, 1996 in Room 526 on the Fifth Floor of The State Museum Building. For directions, please contact the site at (717) 963-4804. All interested bidders should submit a request for the Purchase of the bid package in writing, along with a \$25.00 check (non-refundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi McClain. Bids are due on Monday, April 8, 1996 at 3:00 p.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Anthracite Heritage Museum, R. D. 1, Bald Mountain Road, Scranton, PA 18504  
**Duration:** April 1, 1996 to August 30, 1996  
**Contact:** Judi McClain or Tom Potter, RA, (717) 772-2401

**Project No. DGS 573-12 (Rebid)** Project title: Mental Health Facility. Brief description: new three story storage structure inside prison fence, steel frame, brick and CMU cavity walls and HVAC, plumbing, electrical and elevator systems. General construction, HVAC, plumbing and electrical construction. Plans deposit: \$70.00 per set. Payable to: Burkavage Design Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Burkavage Design Associates, Abington Executive Parks, Clarks Summit, PA 18411. Telephone (717) 586-0719. Bid date: Wednesday, April 17, 1996 at 2:00 p.m. Pre-bid conference has been scheduled for Wednesday, March 27, 1996 at 10:00 a.m. Meet at Main Gate, State Correctional Institution, Camp Hill, PA. Contact Terry Swartz (717) 975-4531. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference. Any and all bulletins issued prior to March 13, 1996 are hereby canceled.

**Department:** General Services  
**Location:** State Correctional Institution, Camp Hill, Cumberland County, PA  
**Duration:** 310 calendar days from date of award  
**Contact:** Bidding Unit, (717) 586-0719

## HVAC—05

**Project No. 303** Provide emergency and routine repair work for air conditioning system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 201st CE, Area 1 and 2, Ft. Indiantown Gap, Lebanon County, PA  
**Duration:** 1 July 96—30 September 99  
**Contact:** Emma Schroff, (717) 861-8518

**03060226018** Site visit required. To provide scheduled maintenance on all HVAC units of Pennsbury Manor Visitor Center and gift shop building (Crozier House) with the exclusion of all portable A.C. units. Two inspections yearly: 96/97, 97/98 and 98/99. First inspection for the start-up of the heating season. Second inspection for the start up of the cooling season. Also, emergency service to be provided within 16 hours of being notified. Estimated number of emergency hours FY 96/97: 18 hours; FY 97/98: 18 hours; FY 98/99: 18 hours. Payment for actual hours worked at a rate of \$ \_\_\_\_\_ per hour will be contingent upon daily sign-in/out. Payment for materials used should be cost plus percentage of profit \_\_\_\_\_ %.

**Department:** Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067  
**Duration:** 06-01-96 through 06-30-99  
**Contact:** Joe Cameli, (215) 946-0400

**0801** Electrical repair services for 8-0 building.

**Department:** Transportation  
**Location:** Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103  
**Duration:** 12 months with renewals  
**Contact:** Thomas A. Willier, (717) 787-4191

**0800** Air conditioning repair services for 8-0 building.

**Department:** Transportation  
**Location:** Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103  
**Duration:** 12 months with renewals  
**Contact:** Thomas A. Willier, (717) 787-4191

**7200-0173** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Waynesburg Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Waynesburg Driver Exam Site, Arbor Terrace, 164 Willow, Waynesburg, PA 15370  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996, 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0172** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Warren Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Waynesburg Driver Exam Site, Hatch Run Road, Warren, PA 16365  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0171** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Uniontown Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Uniontown Driver Exam Site, R. D. 1, Box 390A, Uniontown, PA 15401  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0170** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Somerset Driver License Center. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Somerset Driver License Center, R. D. 5, Box 11F, Somerset, PA 15501  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0169** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Schuylkill Haven Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Schuylkill Haven Driver Exam Site, 970 East Main Street, Schuylkill Haven, PA 17972  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0168** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Rockview Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Rockview Driver Exam Site, 820 West College Avenue, Pleasant Gap, PA 16823  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0167** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Philadelphia (Island Avenue) Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Philadelphia (Island Avenue) Driver Exam Site, 2320 Island Avenue, Philadelphia, PA 19142  
**Duration:** 10/01/96—03/31/99 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0166** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Norristown Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Norristown Driver Exam Site, 2101 Swede Road, Norristown, PA 19401  
**Duration:** 08/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0165** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the New Kensington Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, New Kensington Driver Exam Site, 1600 Greensburg Road, New Kensington, PA 15068  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0164** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the New Castle Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, New Castle Driver Exam Site, R. D. 2, Box 290, New Castle, PA 16101  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0163** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Mercer Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Mercer Driver Exam Site, 519B Greenville Road, Mercer, PA 16137  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0162** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Meadville Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Meadville Driver Exam Site, R. D. 5, Box 279, Patricia Drive, Meadville, PA 16335  
**Duration:** 07/01/96—12/31/98 w/two 1 year options: April 25, 1996 at 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**0850-02** Boiler and heating system maintenance.

**Department:** Transportation  
**Location:** Dauphin County, 1/2 mile east of Elizabethtown of PA 209  
**Duration:** 12 months  
**Contact:** Dennis Deitch, (717) 787-5284

**7200-0158** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Bortondale Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Bortondale Driver Exam Site, 440 South Middletown Road, Bortondale, PA 19063  
**Duration:** 07/01/96—12/31/98 w/two 1 year options, Bid opening: 4/25/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0159** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the East Rochester Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, East Rochester Driver Exam Site, 149 Stewart Avenue, East Rochester, PA 15074  
**Duration:** 07/01/96—12/31/98 w/two 1 year options, Bid opening: 4/25/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0160** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Johnstown Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Johnstown Driver Exam Site, 563 Walters Avenue, Johnstown, PA 15901  
**Duration:** 07/01/96—12/31/98 w/two 1 year options, Bid opening: 4/25/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**7200-0161** Perform preventative maintenance, emergency and routine repair work to the heating, plumbing, electrical and air conditioning systems as required at the Lewistown Driver Exam Site. Bid package can be obtained from Facility Management at (717) 773-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Lewistown Driver Exam Site, 299 Ferguson Valley Road, Yeagertown, PA 17099  
**Duration:** 07/01/96—12/31/98 w/two 1 year options, Bid opening: 4/25/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 773-8482

**Project No. 301** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 201st CE, Area 1 & 2, Ft. Indiantown Gap, Lebanon County, PA  
**Duration:** 1 July 96—30 September 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 302** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 201st CE, Area 1 & 2, Ft. Indiantown Gap, Lebanon County, PA  
**Duration:** 1 July 96—30 September 99  
**Contact:** Emma Schroff, (717) 861-8518

## Consulting Services—07

**96-3037-001** Contractor will staff a Central Coordinating Office in the Harrisburg area for the continuation of the State Employee Assistance Program. Services include consultation, training, evaluation, referral, case management, follow-up and on-site intervention for employees and their family members throughout the Commonwealth who may be experiencing alcohol, drug, emotional, financial, legal, marital or other personal problems. The contractor will receive calls on a toll-free telephone line, conduct assessment, make a referral for evaluation and provide case management services for those entering treatment. A preproposal conference is scheduled for April 3, 1996 and is mandatory for those intending to submit a proposal for consideration. Proposals must be submitted by 4:00 p.m. on May 1, 1996.

**Department:** Office of Administration  
**Location:** Statewide  
**Duration:** 5 years 7/1/96 to 6/30/2001  
**Contact:** Jeffrey E. Johnston, (717) 787-8575

**Project No. 95-09** "Engineering Management System." The objective of this project is to implement process changes, both automated and manual, to reduce the processing time and cost associated with the steps needed to bring highway and bridge projects from approval by PennDOT's Program Management Committee (PMC) to the notice to proceed to construction. Detailed requirements and an RFP are available upon request. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA 17101  
**Duration:** 30 months  
**Contact:** Dorothy Irvin, (717) 787-7997

**SP-288291** Vendor must provide all labor, materials, equipment, and transportation to provide Spanish translations of regulations, forms, and messages to support DPW Programs. Vendor is also to translate Spanish language letters and other Spanish language materials into English. Complete specifications can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 2nd Floor; Bertolino Building, 1401 North 7th Street, Harrisburg, PA 17120  
**Duration:** 07/01/96 through 06/30/99  
**Contact:** Ed Blandy, (717) 772-4883

**PSERS-9501** The Public School Employees' Retirement System is issuing an RFP to satisfy a need for Quality Assurance Consulting Service. Consultant to develop a Quality Assurance Program which should include the necessary tasks and standards for the establishment, initiation, and monitoring of a quality assurance and testing program for PSERS Business System (PBS) as well as future BIS projects.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** 3-4 months  
**Contact:** Jackie Keever, (717) 720-4759

**L&I No. 2-96** Qualified interested parties to submit proposals to provide a comprehensive strategy to collect and report mandated post program data on former participants served under the Job Training Partnership Act in Pennsylvania in accordance with Training and Employment Information Notice No. 5-93 Change 1 dated June 23, 1994 and Training and Employment Information Notice No. 12-93 dated September 8, 1993. Agencies interested in receiving a proposal application may call of write. A preproposal conference will be held on Monday, April 1, 1996 at 1:30 p.m. in Room 300B of the Labor and Industry Building. Proposals must be received by 4:30 p.m. on April 19, 1996.

**Department:** Labor and Industry  
**Location:** Bureau of Employment Services and Training, Room 1106, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120  
**Duration:** 07/01/96-06/30/99  
**Contact:** Beverly S. Boone, (717) 783-5857

## Medical Services—10

**269372** Provide the services of psychiatric nurses as requested and required by the Norristown State Hospital. Persons supplied must be licensed and have at least six months experience in mental health nursing. Shift shall be for 8 hours and include weekends and holidays. Day shift: 7:00 a.m.—3:30 p.m.; evening shift: 3:00 p.m.—11:30 p.m.; night shift: 11:15 p.m.—7:15 a.m. Renewal options available.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 17401  
**Duration:** 7/1/96-6/30/97  
**Contact:** Maria Jordan, (610) 270-1302

**SP 281266** A medical doctor is necessary to review approximately 4,000 claims for the Property Tax/Rent Rebate Program. Doctor must review medical records submitted with claim forms to determine if claimant is entitled to a rebate. Doctor is expected to review claim forms at two week intervals on the premises of Department of Revenue, 5th Floor, Strawberry Square, Harrisburg, PA.

**Department:** Revenue  
**Location:** Examination Division, Bureau of Individual Taxes, 5th Floor, Strawberry Square, Harrisburg, PA  
**Duration:** 7-1-96 to 6-30-97  
**Contact:** Michael E. Miller, (717) 787-8397

**19,498** The contractor shall provide drug and alcohol treatment staff to provide service to approximately 66 inmates in two separate housing units. Program is expected to be multi-phasic and six months in duration, per session.

**Department:** Corrections  
**Location:** State Correctional Institution at Dallas, Dallas, PA 18612  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Robert Faneck, Business Manager, (717) 675-1101, ext. 215

**204951** Consumer satisfaction surveys: the vendor would be responsible to conduct semi-annual consumer satisfaction surveys of all Harrisburg State Hospital patients, as well as any patients discharged within the semi-annual period. The interviewers would be to the maximum extent possible, either mental health consumers or family members.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1996 to June 30, 2001, a period of five years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**204968** Dental laboratory services: dental laboratory is to provide the following services: full and partial denture constructions, repairs of full and partial dentures, re-lining of full dentures. Institution will make original impression, will check bite and fit and will insert completed dentures.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1996 to June 30, 1999, a period of three years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

## Firefighting, Safety and Rescue Services—12

**00700 026 95 AS-4** Upgrading of existing security, fire alarm and monitoring at the Steam Barn, located at the Landis Valley Museum, Lancaster, PA. A pre-bid meeting will be held at the site on March 25, 1996 at 10:00 a.m., for all firms interested in submitting bids for the project. For directions, please contact the site at (717) 569-0401. All interested bidders should submit a request for the Purchase of the bid package in writing, along with a \$25.00 check (non-refundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi McClain. Bids are due on Monday, April 8, 1996 at 3:00 p.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601  
**Duration:** April 1, 1996 to August 30, 1996  
**Contact:** Judi McClain or PCC John Fugelso, (717) 772-2401

**APR No. 8** Vendor to furnish labor and materials for the testing and recharging of fire extinguishers for the fiscal year July 1, 1996 through June 30, 1997. Work to be coordinated with Mr. Michael D. Brooks, Fire and Safety Coordinator, Suite 70E, Capitol Addition, Harrisburg, PA 17125. Telephone (717) 787-3592. Approximate number of extinguishers to be serviced: hydrostatic test only—2 1/2 gallon pressurized water; 300 each; recharge only—ABC dry chemical: 100 each; hydrostatic test and recharge—CO2: 100 each; ABC dry chemical: 195 each; refill and recharge—Halon 1211: 70 each; ABC dry chemical: 105 each; refill, hydrostatic test and recharge—ABC dry chemical: 245 each. Extinguishers to be picked up and delivered at the loading ramp of the Finance Building. Invoicing to be made only for work actually performed.

**Department:** General Services  
**Location:** Police and Safety, Room B-04, Finance Building, Capitol Complex, Harrisburg, Dauphin County, PA 17125  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Charles Klein, (717) 787-9635

**SP-259424** Provide armed and unarmed security guard service to Wine & Spirits Shoppes located in but not limited to Allegheny County.

**Department:** Liquor Control Board  
**Location:** Wine & Spirits Shoppes located in the Pittsburgh District  
**Duration:** 7/1/96-6/30/2001  
**Contact:** Debra L. Brinser, (717) 772-2043

## Food Services—13

**0882-2657** Furnish, install and maintain dispensing equipment for: coffee, concentrate, decaffeinated—97% caffeine free—frozen. 100% coffee, roasted, blended and brewed from coffee beans, with no additives or preservatives. Caffeine content .01% to .03% product shall contain at least 23% coffee solids per volume of concentrate. PH shall be within a range of 4.95—5.15. Product shall be prepared, processed and packaged under modern sanitary conditions. Shelf life shall be at least one year frozen or at least 24 days chilled at 40° Fahrenheit or below. Product shall be frozen at time of delivery, packed in sealed disposable containers. (Approx. 10 cases to be delivered every 2 weeks except for last 2 weeks in June 1997 a delivery of 20 cases every 2 weeks.) total: 280 cases (from 7/5/96-6/20/97). For further information contact purchasing department training on operation and daily cleaning required prior to first delivery date.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 5, 1996 through June 20, 1997  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**320-162597** Groceries and frozen foods.

**Department:** Military Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** June 1, 1996 through June 30, 1996  
**Contact:** Jeannette Gualtieri, (814) 878-4930

**C2500-96** Chicken fryers, ready-to-cook, split, 3 lb. average. Approximate monthly requirement—7000 lbs. Bids will be advertised on a monthly basis for the period July 1996 through June 1997. Monthly delivery dates to be established by the Institution. To include any other poultry items required for this period.

**Department:** Corrections  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA 18612  
**Duration:** July 1996 through June 1997  
**Contact:** Fred B. Moody, Purchasing Agent, (717) 675-1101, ext. 221

**S2500-96** Seafood, frozen. Bids will be advertised every other month, for deliveries from July 1996, through June 1997. Quantities as indicated are approximate bi-monthly requirements. Batter dipped whiting—6000 lbs.; cod, minced breaded and fried—4000 lbs.; clams—minced—320 lbs.; and any other seafood items that may be required for this period.

**Department:** Corrections  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA 18612  
**Duration:** July, 1996 through June, 1997  
**Contact:** Fred B. Moody, Purchasing Agent, (717) 675-1101, ext. 221

**1441** Fruits and vegetables. Fruits as per PA Spec.: F-46, vegetables as per PA Spec.: V-14. Quantities (approximate) per week as follows: Bananas—1,000 lbs.; oranges—44 crates; grapefruit—44 crates; lettuce—60 crates; celery—18 crates; cabbage—2,000 lbs.; onions—2,000 lbs.; carrots—900 lbs.; potatoes—10,000 lbs. Quantities (approximate) per month as follows: peppers—50 bushel; cucumbers—30 bushel; cantaloupe, seasonal—105 crates; watermelon, seasonal—7,000 lbs.; fresh strawberries, seasonal 1,500 lbs. "or like items." Monthly bids and orders, weekly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** 7-1-96 through 6-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**1442** Frozen foods. Quantities (approximate) per month, as follows: pizza—20,000 pcs.; veal patties—1,500 lbs.; potato balls—8,000 lbs.; chicken patties—1,500 lbs.; broccoli cuts—4,000 lbs.; cauliflower—4,000 lbs.; frozen eggs—2,400 lbs.; French fries—10,000 lbs.; or like items. Monthly bids, orders and deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** 7-1-96 through 6-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**1435** Dry beans, lima, pea, red kidney and blackeye pea. Quantities and specifications available from agency Purchasing Office.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** 7-1-96 through 6-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**1436** Flour, bread. All purpose, white, mill blended, enriched, bleached, made from hard or soft wheat. In 100 lb. bags. PA Spec.: F-13, approximately 420 bags per month. Bid specifications available from Agency.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** 7-1-96 through 6-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**1437** Seafood. Clams—Type B, Class A, hard minced or shredded for chowder. Approximately 600 lbs. per month. Fish, haddock, breaded—4 oz. portions, raw, skinless, boneless. Approximately 4,000 lbs. per month. "Or like items." Monthly bids and orders. Monthly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** 7-1-96 through 6-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**1438** Oleomargarine—colored, 1 lb. containers, Type II, prepared from edible vegetable oil. Approximately 12,000 lbs./month. Vegetable shortening—solid and vegetable oil. Cottage cheese—creamed, mixed, 5 lb. containers. Approximately 1,200 lbs./month. Skim milk—pasteurized, vitamin A and D, homogenized. 1/2 pints. Approximately 6,000/month. American cheese—pasteurized, processed. Medium yellow color, unsliced. Approximately 6,000 lbs./month. Swiss cheese—unsliced, approximately 500 lbs./month. "Or like items." Monthly bids, orders and deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** 7-1-96 through 6-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**1439** Meats, poultry, beef and pork products. Meats to be in accordance with Inst. Meat Products Specification, chicken to be in accordance with PA Spec.: C/94, fresh and frozen, as specified. All items to be from Federal Inspected Plants. Quantities per month as follows (approximate): bologna, large—1000 lbs.; pepper loaf—400 lbs.; Lebanon bologna—2,000 lbs.; salami—800 lbs.; Pullman canned ham—1200 lbs.; frankfurters, beef—4,000 lbs.; beef liver—2,000 lbs.; chicken fryers—10,000 lbs.; turkey roast—4,500 lbs.; fresh turkey—4,000 lbs.; frankfurters, turkey—3,000 lbs.; turkey ham—2,000 lbs.; Polish sausage—1,400 lbs.; fresh pork sausage—2,000 lbs.; pork chops, center cut—14,000 lbs.; steak, sandwich, sliced—7,200 lbs.; beef, rib-b-que—3,000 lbs. "Or like items." Monthly bids, orders and delivery.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** 7-1-96 through 6-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**1440** Eggs: Grade A, medium, Class 1, fresh. 30 dozen/case. Approximately 1500 dozen/week. Quarterly bids and orders, weekly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** 7-1-96 through 6-30-97  
**Contact:** Lloyd C. Mellott, Purchasing Agent, (814) 355-4874, ext. 206

**6754** Meat and meat products.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** May 1996  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**8145** Juices, frozen, 4/3 liter express pak. Delivery date(s), special delivery instructions and quantities may be obtained from the Hospital. Award to be made on an aggregate basis. Delivery schedules 8 a.m.—3:30 p.m., Monday—Friday except State and National Holidays.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Institutional Storeroom, Route 62 North, North Warren, Warren County, PA 16365  
**Duration:** April 1996—March 1997  
**Contact:** BD Muntz, (814) 726-4496

**Fuel-Related Services—14**

**Project No. DGS A 251-190** Project title: New Fuel Facility. Brief description: removal and replacement of underground storage tanks and fuel dispensing equipment. Underground storage tank construction. Plans deposit: \$62.00 per set. Payable to: Quad Three Group, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Quad Three Group, Inc., 37 North Washington Street, Wilkes-Barre, PA 18701. Telephone (717) 829-4200. Bid date: Wednesday, April 17, 1996 at 2:00 p.m. Pre-bid conference has been scheduled for Wednesday, March 27, 1996 at 10:30 a.m. at PennDOT Columbia County Maintenance Building, 5th Street Off U. S. Route 11, Bloomsburg, PA. Contact Kerry Grasser at (717) 368-5614. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Bloomsburg, Columbia County, PA 115 calendar days from date of award  
**Contact:** Bidding Unit, (717) 829-4200

**Inquiry No. 8763** Remove and dispose of 2,000 gallon underground gasoline storage tank and backfill.

**Department:** Public Welfare  
**Location:** Laurelton Center, Route 45, Laurelton, Union County, PA 17834-0300  
**Duration:** 6-1-96 to 6-30-96  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Janitorial Services—15**

**0400-FW** Stripping, scrubbing, cleaning and waxing floors, stairwells and doorways 4 times per year by machine operation; including necessary moving and replacing of chairs and furniture at District 4-0 office building. Work to be performed on weekends (Saturdays and Sundays) from 6:00 a.m. to 5:00 p.m. Operation to be performed in June, September, December and March contract will be effective for 3 year period. Bid opening is April 2, 1996 at 11:00 a.m.

**Department:** Transportation  
**Location:** Engineering District 4-0, O'Neill Highway, Dunmore, PA 18512  
**Duration:** June 1, 1996 to May 31, 1999  
**Contact:** Gerald Pronko, (717) 963-4039

**JC-2-96** Janitorial services: will be responsible for maintaining a neat, clean and sanitary office by mopping floors, dusting furniture, emptying wastebaskets and trash cans on a daily basis. Will maintain sanitary conditions in restrooms by cleaning floors, sinks and commodes daily. Will dust and clean window sills and venetian blinds regularly. Will vacuum carpeting throughout office daily and wash doors and walls, as necessary, or at the request of the office manager. All cleaning agents and materials needed to perform proper maintenance will be supplied by the contractor. Building consists of 5,745 sq. ft. of space. Approximately 90% of the floor space is carpeted.

**Department:** Labor and Industry  
**Location:** Sunbury Job Center, 535 Chestnut Street, Sunbury, Northumberland County, PA 17801  
**Duration:** October 1, 1996 to September 30, 1998  
**Contact:** Gerald E. Steis, Manager, (717) 988-5540

**SP288278** Vendor to provide janitorial service at the Allegheny County Assistance Office—South Side District Office. The office is located on the first floor and consists of approximately 23,500 square feet. Duties are to be performed immediately after 5:00 p.m., 5 days per week, Monday through Friday, 12 months per year. The vendor will provide all of the equipment and supplies to meet the cleaning requirements. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 2310 Jane Street, Pittsburgh, PA 15203  
**Duration:** 07/01/96—06/30/97  
**Contact:** Lori Vessella, (717) 783-9281

**SP288279** Vendor to provide janitorial services at the Kossman Building in Pittsburgh, PA. Vendor to furnish all labor, equipment and supplies to provide these services. Duties are to be performed between the hours of 8:30 a.m. and 5:00 p.m., five days per week, Monday through Friday except State holidays. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 400 Stanwix Street, Pittsburgh, PA 15222-1302  
**Duration:** 07/01/96—06/30/97  
**Contact:** Lori Vessella, (717) 783-9281

**7200-0157** Twice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows. (717) 783-8482 or FAX (717) 772-3254. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Warren Driver Exam Site, Hatch Run Road, Warren, PA 16365  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0149** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows inside and outside, plus semi-annual house cleaning at the Bortondale Driver Exam Site. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Bortondale Driver Exam Site, 440 South Old Middletown Road, Bortondale, PA 19063  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0150** Twice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows inside and outside, plus semi-annual house cleaning at the DuBois Driver Exam Site. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Dubois Driver Exam Site, R. D. 2, Box 429A, Brockway, PA 15824  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0151** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows inside and outside, plus semi-annual house cleaning at the Meadville Driver Exam Site. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Meadville Driver Exam Site, R. D. 5, Box 279, Patricia Drive, Meadville, PA 16335  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0152** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows inside and outside, plus semi-annual house cleaning at the New Castle Driver Exam Site. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, New Castle Driver Exam Site, R. D. 2, Box 290, New Castle, PA 16101  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0153** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows inside and outside, plus semi-annual house cleaning at the Norristown Driver Exam Site. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Norristown Driver Exam Site, 2101 Swede Road, Norristown, PA 19401  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0154** Once weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows inside and outside, plus semi-annual house cleaning at the Norristown CDL Driver Exam Site. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Norristown CDL Exam Site, Intersection of Route 23W, Route 202 South of Norristown, Route 202 North of Bridgeport, Norristown, PA 19401  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0155** Once weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows inside and outside, plus semi-annual house cleaning at the Philadelphia CDL Driver Exam Site. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Philadelphia CDL Exam Site, Philadelphia International Airport VIP Parking Lot, Island Avenue, Philadelphia, PA 19142  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0156** Thrice weekly, janitorial service to include emptying of wastebaskets, sweeping and mopping all tile floors or vacuuming carpets, washing walls, dusting furniture, washing windows inside and outside, plus semi-annual house cleaning at the Rockview Driver Exam Site. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Rockview Driver Exam Site, 820 W. College Avenue, Pleasant Gap, PA 16823  
**Duration:** 07/01/96—12/31/98 w/two 1 year options. Bid opening: 4/23/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

## Landscaping Services—16

**7200-0174** Perform lawn and grounds maintenance, as well as snow removal for the Johnstown Driver Exam Site. Lawn maintenance services will include three cuttings per month (more in some months, less in some as needed) for the months April through October. Vendor will also provide snow and ice removal as needed, including driveways, parking areas and driver's course. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Johnstown Driver Exam Site, 563 Walters Avenue, Johnstown, PA 15901  
**Duration:** 08/01/96 to 12/31/98 w/two 1 year options: 4/30/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0175** Perform lawn and grounds maintenance, as well as snow removal for the Warren Driver Exam Site. Lawn maintenance services will include three cuttings per month (more in some months, less in some as needed) for the months April through October. Vendor will also provide snow and ice removal as needed, including driveways, parking areas and driver's course. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Warren Driver Exam Site, Hatch Run Road, Warren, PA 16365  
**Duration:** 07/01/96 to 12/31/98 w/two 1 year options: 4/30/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0181** Perform lawn and grounds maintenance for the Mercer Driver Exam Site. Services will include three cuttings per month (more in some months, less in some as needed) for the months April through October. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Mercer Driver Exam Site, 519B Greenville Road, Mercer, PA 16137  
**Duration:** 07/01/96 to 12/31/98 w/two 1 year options: 4/30/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0180** Perform lawn and grounds maintenance for the Uniontown Driver Exam Site. Services will include three cuttings per month (more in some months, less in some as needed) for the months April through October. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Uniontown Driver Exam Site, R. D. 1, Box 390A, Uniontown, PA 15401  
**Duration:** 07/01/96 to 12/31/98 w/two 1 year options: 4/30/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0179** Perform lawn and grounds maintenance for the Rockview Driver Exam Site. Services will include three cuttings per month (more in some months, less in some as needed) for the months April through October. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Rockview Driver Exam Site, 820 West College avenue, Pleasant Gap, PA 16823  
**Duration:** 07/01/96 to 11/30/97 w/two 1 year options: 4/30/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0178** Perform lawn and grounds maintenance for the Meadville Driver Exam Site. Services will include three cuttings per month (more in some months, less in some as needed) for the months April through October. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Meadville Driver Exam Site, R. D. 5, Box 279, Patricia Drive, Meadville, PA 16335  
**Duration:** 07/01/96 to 11/30/97 w/two 1 year options: 4/30/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0177** Perform lawn and grounds maintenance for the Seneca Driver Exam Site. Services will include three cuttings per month (more in some months, less in some as needed) for the months April through October. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Seneca Driver Exam Site, R. D. 2, Box 140, Seneca, PA 16346-6596  
**Duration:** 07/01/96 to 11/30/97 w/two 1 year options: 4/30/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0176** Perform lawn and grounds maintenance as well as snow removal for the Lebanon Driver Exam Site. Services will include three cuttings per month (more in some months, less in some as needed) for the months April through October. Vendor will also provide snow and ice removal as needed, including driveways, parking areas and driver's course. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or FAX (717) 772-3254.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Lebanon Driver Exam Site, 900 East Cumberland Street, Lebanon, PA 17902  
**Duration:** 07/01/96 to 12/31/98 w/two 1 year options: 4/30/96 2:00 p.m.  
**Contact:** Janett Johnson, (717) 783-8482

**03060227008** Grass mowing and trimming at the 26-acre Conrad Weiser Homestead, a State historic site located at Womelsdorf, Berks County.

**Department:** Historical and Museum Commission  
**Location:** Conrad Weiser Homestead, 28 Weiser Road, Womelsdorf, PA 19567-9718  
**Duration:** July 1, 1996—June 30, 1997  
**Contact:** James A. Lewars, (610) 582-4900

## Mail Services—19

**SP-288286** Contractor to provide bulk mailing services for the Department of Public Welfare, Office of Income Maintenance, Bureau of Child Support Enforcement. The office generates approximately 60,000—65,000 monthly child support notices and 50 coupon payment books each month. The Office will only need a vendor on as needed basis only. Complete specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Commerce Building, 300 North 2nd Street, Harrisburg, PA 17101  
**Duration:** 07/01/96 through 06/30/97  
**Contact:** Ed Blandly, (717) 772-4883

**95-013** Overnight mail delivery service. Service shall include the pick up of payroll checks from Harrisburg area and deliver to field locations Statewide.

**Department:** Corrections  
**Location:** 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598  
**Duration:** 07/01/96—06/30/99  
**Contact:** MaryAnn Ulrich, (717) 975-4960

## Maintenance and Repair Services—20

**BOWC-2-96** Maintenance: maintenance on thirty-three (33) Model F-72 and four (4) Model F-73 Murata facsimile machines. Service to be provided between 8:30 a.m. and 5:00 p.m. Monday through Friday. Maintenance charge to include all labor and parts.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, Statewide  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Jane C. Williams, Fiscal Control Officer, (717) 783-5421

**269374** Provide service to repair electric motors (approximately 100) as requested and required by Norristown State Hospital. For more specifics please request bid proposal Inquiry No. 269374. Renewal options available.

**Department:** Public Welfare  
**Location:** Norristown State Hospital., 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** 7/1/96—6/30/97  
**Contact:** Gary Raisner, (610) 270-1469

**1030** To sandblast and prime the following pieces of equipment for the Department of Transportation, located at R. D. 2, Shipperville, PA 16254. (2) each road graders; (13) each snow plows; (2) each single axle dump trucks; (1) each sewer flusher.

**Department:** Transportation  
**Location:** R. D. 2, Shipperville, PA 16254  
**Duration:** 04-01-96—08-31-96  
**Contact:** Cal J. Guth, (814) 226-8200

**EP-0005** Contractor to provide and install cable and required equipment for security camera set-up in the institution. To be done through a total of 3,500 ft. of an existing duct and manhole system. Walk throughs are available upon scheduling, please contact personnel listed below.

**Department:** Corrections  
**Location:** State Correctional Institution Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** 30 days  
**Contact:** Michelle Wagner, Purchasing Agent I, (814) 756-5778

**Project No. 300** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 201st CE, Area 1 & 2, Ft. Indiantown Gap, Lebanon County, PA  
**Duration:** 1 July 96—30 September 99  
**Contact:** Emma Schroff, (717) 861-8518

**SP-563** Refurbish hubbelite floor in kitchen and dock areas to include treatment of all existing cracks. Site visit required prior to bidding.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319 (Dietary Building), Hollidaysburg, PA 16648  
**Duration:** 01 May 96 through 30 June 96  
**Contact:** Nancy B. Keith, (814) 696-5210

**Inquiry No. 8762** Repair of recreational games (video games, pin-ball games, etc.).

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1996 to June 30, 2001  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**I & I-7-96** Provide maintenance and repair on three (3) microfilm machines; 2 Minolta RP 507; 1 Minolta RP 505.

**Department:** Labor and Industry  
**Location:** BOIS, Room 1529, Labor and Industry Building, 7th and Forster Streets, Harrisburg, Dauphin County, PA 17120  
**Duration:** July 1, 1996 to June 30, 1998  
**Contact:** Sheritta A. Richardson, (717) 787-3323

**I & I-8-96** Provide maintenance and repair on three (3) microfiche reader/printers.

**Department:** Labor and Industry  
**Location:** BOIS, Room 1529, Labor and Industry Building, 7th and Forster Streets, Harrisburg, Dauphin County, PA 17120  
**Duration:** July 1, 1996 to June 30, 1998  
**Contact:** Sheritta A. Richardson, (717) 787-3323

**KU 96-12** Kutztown University is interested in obtaining bids for the painting of selected interior areas of Johnson Hall at Kutztown University. Contractor will be responsible for but not limited to preparation of all surfaces to be painted, applying a professional paint covering, and clean up of all work areas. Interested contractors can obtain plans/specifications from: Mrs. Barbara Reitz, Purchasing Department, Kutztown University, Kutztown, PA 19530, for a non-refundable fee of (\$10.00) ten dollars. Specifications are available March 16, 1996. There will be a pre-bid March 27, 1996. Bids are due on April 5, 1996 by 2:00 p.m. Late submissions will be returned un-opened.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 37 working days after NTP  
**Contact:** Barbara Reitz, (610) 683-4132

### Musical Services—22

**204967** Professional disc jockey services: provide services for Monday evening dances. Disc jockey is to provide all equipment and records necessary to ensure current and popular tunes, also to conduct dance contests with prizes. The actual session time is from 7:30 p.m. to 8:45 p.m. It is the responsibility of the bidder to calculate the set-up time and take down time in bid price.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1996 to June 30, 1999, a period of three years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**269373** Provide service of piano tuning and repairs, including complete re-building of piano actions to the pianos of Norristown State Hospital. For more specifics, please request bid proposal Inquiry No. 269373. Renewal options available.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** 07/01/96—06/30/98  
**Contact:** Al Richter, (610) 270-1249

### Photography Services—23

**7100** Pickup and delivery and developing of 16MM x 40M roll microfilm. Perform quality control measures and some duplicating of micro film in conformance with the American National Standards Institute and Association for Information and Image Management Standards and Practices.

**Department:** Transportation  
**Location:** Bureau of Motor Vehicles, G134, Transportation and Safety Building, Harrisburg, PA  
**Duration:** 06-01-96 through 06-30-97  
**Contact:** William Woodward, (717) 783-8329

**L & I-9-96** Microfilming services: microfilm blueprints. Roll microfilm is to be provided. Pickup and delivery of blueprints and rolls, and guaranteed destruction of blueprints after they are filmed. Duplicate roll microfilm will also be required.

**Department:** Labor and Industry  
**Location:** Bureau of Occupational and Industrial Safety, Room 1529 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA  
**Duration:** July 1, 1996 through June 30, 1998  
**Contact:** Sheritta A. Richardson, (717) 787-3323

### Sanitation—24

**Service Purchase Contract No. 221790** Collection and disposal of solid waste at Tobyhanna and Gouldsboro State Parks, Monroe County, PA. Sealed bids will be received in Tobyhanna State Park Office, Route 423, P. O. Box 387, Tobyhanna, PA 18466, until 2:00 p.m. prevailing time on April 15, 1996, and then publicly opened and read. Documents containing all pertinent information must be obtained from the office of the Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Tobyhanna and Gouldsboro State parks, P. O. Box 387, Tobyhanna, Monroe County, PA 18466-0387  
**Duration:** December 31, 1999 (3 1/2 years)  
**Contact:** Ronald A. Dixon, Park Manager, (717) 894-8336

**Project No. 505** Remove trash and refuse from armory on a weekly basis. Trash will be in 1 - 6 cubic yard container.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 826 Crane Avenue, Pittsburgh, Allegheny County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 506** Remove trash and refuse from armory on a weekly basis. Trash will be in 2 - 2 cubic yard containers.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 324 Emerson Street, Pittsburgh, Allegheny County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 507** Remove trash and refuse from armory on a weekly basis. Trash will be in 1 - 6 cubic yard container.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 501 North Broadway, Scottdale, Westmoreland County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 508** Remove trash and refuse from armory on a weekly basis. Trash will be in 1 - 9 cubic yard container.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 900 Adams Avenue, Scranton, Lackawanna County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 509** Remove trash and refuse from armory on a weekly basis. Trash will be in 1 - 4 cubic yard container.

**Department:** Military Affairs  
**Location:** PAARNG Armory, Park Avenue, Sellersville, Bucks County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 510** Remove trash and refuse from armory on a weekly basis. Trash will be in 1 - 6 cubic yard container.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 100 Valley HI Drive, West View, Allegheny County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 511** Remove trash and refuse from armory on a weekly basis. Trash will be in 1 - 10 cubic yard container.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**ETR-96-99** To provide ash and garbage pickup from 13 households units in the Village of Eckley Miners Village plus the Visitors Center, Company Store, Emerald House, PCC Office and Mule Barn once a week (Luzerne County), Eckley, Pennsylvania, (717) 636-2070. 3 year contract.

**Department:** Historical and Museum Commission  
**Location:** Eckley Miners Village, Eckley, Luzerne County, PA  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** Catherine Bozar, (717) 636-2070

**Project No. 500** Remove trash and refuse from armory on a weekly basis. Trash will be in 6 - 20 gallon containers.

**Department:** Military Affairs  
**Location:** PAARNG Armory, R. D. 1, Box 103, Friedens, Somerset County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518



**Project No. 501** Remove trash and refuse from armory on a weekly basis. Trash will be in 6 - 20 gallon containers.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 340 Harding Boulevard, Norristown, Montgomery County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 502** Remove trash and refuse from armory on a weekly basis. Trash will be in 1 - 8 cubic yard container.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 5350 Ogontz Avenue, Philadelphia, Philadelphia County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 503** Remove trash and refuse from armory on a weekly basis. Trash will be in 2 - 8 cubic yard containers.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 2700 Southampton Road, Philadelphia, Philadelphia County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 504** Remove trash and refuse from armory on a weekly basis. Trash will be in 2 - 8 cubic yard containers.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 3205 Lancaster Avenue, Philadelphia, Philadelphia County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 505** Remove trash and refuse from armory on a weekly basis. Trash will be in 1 - 8 cubic yard container.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 23rd and Ranstead Streets, Philadelphia, Philadelphia County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Service Purchase Contract No. 195884** For the collection and disposal of solid waste from Promised Land State Park, Greentown, Pike County, Pennsylvania. Sealed bids will be received in Promised Land State Park, R. R. 1, Box 96, Route 390, Greentown, PA 18426-9735, until 2:00 p.m. prevailing time on April 5, 1996, and then publicly opened and read. Documents containing all pertinent information must be obtained from the office of the Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Promised Land State Park, R. R. 1, Box 96, Route 390, Greentown, Pike County, PA 18426-9735  
**Duration:** December 31, 2000  
**Contact:** Park Office, (717) 676-3428

**03060226020** Refuse disposal service to be provided from July 1, 1996 to June 30, 1999. Contract period: 07-01-96 to 06-30-97; 07-01-97 to 06-30-98, and 07-01-98 to 06-30-99. Vendor to provide (2) two 4 cubic yard dumpsters with metal lids to be picked up one time per week over the length of the contract. Rubbish to be removed included institutional/residential along with some construction debris.

**Department:** Historical and Museum Commission  
**Location:** Pennsbury Manor, 400 Pennsbury Memorial Road, Morrisville, PA 19067  
**Duration:** 07-01-96 to 06-30-99  
**Contact:** Joe Cameli, (215) 946-0400

**FM-144** Furnish trash and rubbish removal services at the Pennsylvania State Police, Bethlehem Headquarters, 2930 Airport Road, Bethlehem, PA 18017. Recyclable services rendered if applicable. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Bethlehem Headquarters, 2930 Airport Road, Bethlehem, PA 18017  
**Duration:** 7/1/96 to 6/30/98  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

**C 00544** Provide cleaning and television inspection of a sewage collection system at Little Buffalo State Park to include manhole inspection and characterization.

**Department:** Conservation and Natural Resources  
**Location:** Facility Design and Construction, Newport, PA  
**Duration:** 6/30/96  
**Contact:** Corinna Gaiski, (717) 783-0760

**ESTP-96-99** Sewage treatment plant 55,000 gallon capacity. Services to perform all State mandated testing, cleaning and light maintenance, supply liquid chlorine as needed. Keep records. Seven days per week. Plant located in Eckley Miners Village, Luzerne County, Eckley, Pennsylvania. (717) 636-2070. 3 year contract. Location of sewage treatment plant is not at our mailing address.

**Department:** Historical and Museum Commission  
**Location:** Eckley Miners Village, Eckley, Luzerne County, PA  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** Catherine Bozar, (717) 636-2070

## Subscription Services—25

**204971** Subscription service: The scope of this proposal is to provide a magazine and professional journal service to the Harrisburg State Hospital.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1996 to June 30, 1997, a period of one year.  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

## Data Processing Services—27

**95-C016** The contractor shall provide Sybase and Powersoft products to the Department of Corrections computer services bureau.

**Department:** Corrections  
**Location:** 55 Utey Drive, Camp Hill, PA 17001-0598  
**Duration:** 1 year  
**Contact:** MaryAnn Ulrich, (717) 975-4960

**95-C015** The contractor shall provide Unisys terminal emulation products: PEP for Infoconnect UTS Emulator for Windows, Version 5.1. PEP UTS for DOS, Version 5.0.7, proprietary transport software, Enable device, UCA board.

**Department:** Corrections  
**Location:** 55 Utey Drive, Camp Hill, PA 17001-0598  
**Duration:** 1 year  
**Contact:** MaryAnn Ulrich, (717) 975-4960

**X96644** Provide laboratory automation software system.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** One year from acquisition of software  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1-800-654-5984

**95-2032-229** The Office of Administration (CMIC) desires to procure maintenance support for its SPARC 2, SPCARC 5, SUN 470, and SPARC 1000 servers; and its external tape drive, external CD-ROM, and external SCSI disk and their associated equipment for the period April 1, 1996—June 30, 1997.

**Department:** Executive Offices  
**Location:** Office of Administration, CMIC, 1 Technology Park, Harrisburg, PA 17110  
**Duration:** April 1, 1996—June 30, 1997  
**Contact:** Kelly Fortino, (717) 787-8767

**PGC 2507 Scanning** Convert miscellaneous drawings into "TIFF" format compatible with Intergraph Corp's "I/RAS B" software.

**Department:** Game Commission  
**Location:** Bureau of Land Management, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** July 1, 1996 to June 30, 1998  
**Contact:** Gregory P. Gobrecht, (717) 783-6497

**RFP 96-08** Kutztown University is seeking proposals from qualified professionals able to provide roof inspection service and a roof information management system. The inspection service will include: visual inspections, thermal scans and core samples where necessary. The database program should be Windows Based and be able to operate in the Windows 95 environment. Interested professionals should request a RFP package in writing from: Mrs. Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530 at FAX (610) 683-4674. Packages are available March 18, 1996. A pre-proposal meeting will be held on March 28, 1996 at 1:00 p.m. Proposals are due on April 8, 1996 by 2:00 p.m. Late submissions will be returned unopened. Kutztown University encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** One year after NTP  
**Contact:** Barbara Reitz, (610) 683-4132

**Pest Control Services—28**

**96-99** Pest control services to be provided to the State Correctional Institution at Graterford. Services to include: control of rodents, vermin, insects and pests, etc. Services are to cover all buildings and residences located on institutional grounds. Vendor will provide approximately 30 hours per week. Detailed written reports will be submitted following each visit. Vendor must be licensed to perform services in the Commonwealth of Pennsylvania.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 3 years  
**Contact:** Kelly Richardson, (610) 489-4151

**Rentals/Leases—37**

**876A** Lease Warehouse Space To The Commonwealth Of Pennsylvania. The Board of Probation and Parole has an immediate need for approximately 10,000 useable square feet of warehouse space with loading dock accessible to tractor trailers within the corporate limits of Erie, Erie County, PA. Proposals due: April 1, 1996. Solicitation No.: 092197.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or Edward P. Meyer, (717) 787-4394

**875A** Lease Office Space To The Commonwealth of Pennsylvania. The Board of Probation and Parole has an immediate need for approximately 10,000 useable square feet of warehouse space with loading dock accessible to tractor trailers within the corporate limits of Pittsburgh, PA. Proposals due: April 1, 1996. Solicitation No. 092196.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or Edward P. Meyer, (717) 787-4394

**874A** Lease Office Space To The Commonwealth of Pennsylvania. The Board of Probation and Parole has an immediate need for approximately 10,000 useable square feet of warehouse space with loading dock accessible to tractor trailers within the corporate limits of Pittsburgh, PA. Proposals due: April 1, 1996. Solicitation No. 092195.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or Edward P. Meyer, (717) 787-4394

**Miscellaneous—40**

**PGC-2502** The equivalent of Game Bird (pheasant) starter feed (224 tons), pellet size as requested 5/32, together with the following additions: medication added to feed as requested by Superintendent. Request quotes on Amprolium 0.0175% (314 lbs.). Bulk delivery—pneumatic blower unloading. Deliver as requested in 12—24 ton lots. Bid will be opened at 11:00 a.m., April 2, 1996, at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Western Game Farm, R. D. 1, Cambridge Springs, PA 16403  
**Duration:** May 1, 1996 to June 30, 1996  
**Contact:** Larry Mears, Superintendent, (814) 398-2271

**PGC-2503** The equivalent of Game Bird (pheasant) starter feed (160 tons), pellet size as requested 5/32, together with the following additions: medication added to feed as requested by Superintendent. Request quotes on Amprolium 0.0175% (224 lbs.) and Thiabendazole 0.05% or 2 1/4 lbs. of TBZ "200/ton" (297 lbs.). Bulk delivery—pneumatic blower unloading. Deliver as requested in 10—24 ton lots. Bid will be opened at 11:00 a.m., March 25, 1996, at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Loyalsock Game Farm, R. D. 2, Box 803, Montoursville, PA 17754  
**Duration:** 4/15/96 to 7/30/96  
**Contact:** Clair Souter, Superintendent, (717) 435-2043

**PGC-2504** The equivalent of Game Bird (pheasant) starter feed (180 tons), pellet size as requested 5/32, together with the following additions: medication added to feed as requested by Superintendent. Request quotes on Amprolium 0.0175% (140 lbs.) and Thiabendazole 0.05% or 2 1/4 lbs. of TBZ "200/Ton" (180 lbs.). Bulk delivery—pneumatic blower unloading. Deliver as requested in 12—20 ton lots. Bid will be opened at 11:00 a.m., April 4, 1996, at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Southwest Game Farm, R. D. 1, Box 51-A, New Bethlehem, PA 16242  
**Duration:** May 1, 1996 to August 25, 1996  
**Contact:** Robert Hodge, Superintendent, (814) 275-2509

**PGC-2505** The equivalent of Game Bird (pheasant) starter feed (168 tons), pellet size as requested 5/32, together with the following additions: medication added to feed as requested by Superintendent. Request quotes on Amprolium 0.0175% (140 lbs.) and Thiabendazole 0.05% or 2 1/4 lbs. of TBZ "200/Ton" (158 lbs.). Bulk delivery—pneumatic blower unloading. Deliver as requested in 6—12 ton lots. Bids will be opened at 11:00 a.m., March 27, 1996, at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Northcentral Game Farm, HC-31, Box 335, Williamsport, PA 17701  
**Duration:** 4/15/96 to 8/15/96  
**Contact:** Bruce Guintier, (717) 478-2527

[Pa.B. Doc. No. 96-437. Filed for public inspection March 15, 1996, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p>01. <b>BARBER SERVICES</b><br/>general</p> <p>02. <b>PERSONNEL/CLERICAL SERVICES</b><br/>transcribing, telephone answering, radio dispatch, secretarial, temporary help employment agency</p> <p>03. <b>TELECOMMUNICATIONS SERVICES AND EQUIPMENT</b><br/>mobile radios, P. A. systems, televisions, radios and telephones: equipment and repair</p> <p>04. <b>CONSTRUCTION</b><br/>alterations, miscellaneous, roofing, building, flooring, remodeling, asphalt and concrete, paving, highway projects, stream rehabilitation projects</p> <p>05. <b>HVAC</b><br/>air conditioning and heating, water conditioner, miscellaneous repair, refrigeration services, furnace and steam plant</p> <p>06. <b>ELEVATOR MAINTENANCE SERVICES</b><br/>elevator maintenance</p> <p>07. <b>CONSULTING SERVICES</b><br/>miscellaneous, training, workshops, education, research, testing service, technical assistance legal, certified public accountant, management, public relations, bilingual services, planning, financial planning, environmental research</p> <p>08. <b>COURT REPORTING SERVICES</b><br/>hearing</p> <p>09. <b>DEMOLITION AND RENOVATION</b><br/>structure, equipment</p> <p>10. <b>MEDICAL SERVICES</b><br/>medicine and drugs, general, consultant, laboratory, optical, mortuary, dental, ambulance, health care, veterinarian</p> <p>11. <b>ENGINEERING SERVICES</b><br/>miscellaneous, geologic, civil, mechanical, electrical, surveying, solar</p> <p>12. <b>FIREFIGHTING, SAFETY AND RESCUE SERVICES</b><br/>guard, burglar alarm, private investigator, armed courier, miscellaneous equipment</p> <p>13. <b>FOOD SERVICES</b><br/>commodities, surplus food processing, employment opportunities, etc.</p> <p>14. <b>FUEL-RELATED SERVICES</b><br/>installation of fuel tanks, pumping stations, pipe lines for fuel, includes utility related services</p> <p>15. <b>JANITORIAL SERVICES</b><br/>includes general, commercial maintenance, sweeping, cleaning, property maintenance</p> <p>16. <b>LANDSCAPING SERVICES</b><br/>general, pruning, tropical plants, design, harvesting crops</p> <p>17. <b>LAUNDRY AND DRY CLEANING SERVICES</b><br/>linen, laundry</p> <p>18. <b>LODGING/MEETING FACILITIES</b><br/>rooms and service, meals, room and board</p> <p>19. <b>MAIL SERVICES</b><br/>delivery, labeling, stuffing</p> | <p>20. <b>MAINTENANCE AND REPAIR SERVICES</b><br/>installation and/or repair of windows, doors, siding, fencing, walls, tanks, recapping tires, plumbing, electrical, equipment maintenance, painting and restoration, carpeting services, welding, drilling, excavating</p> <p>21. <b>MOVING SERVICES</b><br/>moving, car rental, storage, hauling, flying, bus, freight, travel service</p> <p>22. <b>MUSICAL SERVICES</b><br/>tuning and repair of musical instruments, use of instructors</p> <p>23. <b>PHOTOGRAPHY SERVICES</b><br/>general, aerial, lab development, consultant, blueprint reproduction art studios and schematic, advertising, graphic arts</p> <p>24. <b>SANITATION</b><br/>sanitation, recycling</p> <p>25. <b>SUBSCRIPTION SERVICES</b><br/>textbook educational material, testing material, miscellaneous, newsletter, miscellaneous printing, advertising</p> <p>26. <b>UPHOLSTERING SERVICES</b><br/>repair, refinishing, restoration</p> <p>27. <b>DATA PROCESSING SERVICES</b><br/>computer, keypunch, programming, analysis miscellaneous, equipment rental</p> <p>28. <b>PEST CONTROL SERVICES</b><br/>pest control, termite control, biological pest control</p> <p>29. <b>RELIGIOUS SERVICES</b><br/>contracting various clergy for hospitals, centers, etc.</p> <p>30. <b>AUCTIONEER SERVICES</b><br/>assistance in the sale of motor vehicles, equipment, etc.</p> <p>31. <b>CHILD CARE SERVICES</b><br/>Statewide child care services</p> <p>32. <b>INSURANCE SERVICES</b><br/>miscellaneous brokerage insurance services</p> <p>33. <b>MECHANICAL MAINTENANCE AND REPAIRS</b><br/>installation of handicap equipment into vehicles, homes, etc.</p> <p>34. <b>RAILROAD SERVICES</b><br/>transporting of goods by rail</p> <p>35. <b>REAL ESTATE SERVICES</b><br/>acquisition, disposition, leasing and appraisals of real estate</p> <p>36. <b>SHOE REPAIRS</b><br/>repair of shoes, braces and prosthetics</p> <p>37. <b>RENTALS/LEASES</b><br/>of medical equipment, construction equipment, movies, canvas tents, laboratory equipment, vehicles, storage facilities, office space</p> <p>38. <b>MINE RECLAMATION</b><br/>backfilling mine openings, extinguishing abandoned mine fires, flushing of mine voids, acid mine drainage abatement, regrading surface mines</p> <p>39. <b>DRILLING SERVICES</b><br/>well drilling, core drilling and exploratory drilling</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
0045-07	03/15/96	Standard Register Co.	10,000.00	5610-36	03/01/96	Mayer Bros. Construction Co.	135,000.00
0045-07	03/15/96	Moore Bus. Forms and Systems Div.	50,000.00	5610-36	03/01/96	Lycoming Silica Sand Co.	1,168,317.75
0045-07	03/15/96	U.S. Business Printing, Inc.	200,000.00	5610-36	03/01/96	Marsh Asphalt, Inc.	135,000.00
0061-11	03/06/96	K-B Offset Printing, Inc.	14,998.00	5610-36	03/01/96	M & M Stone Co.	135,000.00
1719225-01	03/04/96	Bryan Mechanical, Inc.	16,950.00	5610-36	03/01/96	Miller Quarries Div. Miller & Sons Paving, Inc.	135,000.00
1918115-01	02/29/96	The Thomaston Co.	58,660.00	5610-36	03/01/96	Meckley's Limestone Prod., Inc.	259,215.00
1934215-01	02/29/96	Renow, Inc.	4,624.00	5610-36	03/01/96	McDermitt, Inc.	135,000.00
2044215-01	02/29/96	Hewlett-Packard Company	6,975.00	5610-36	03/01/96	McMinns Asphalt Co., Inc.	135,000.00
2045115-01	03/01/96	A. Leventhal & Sons	2,779.00	5610-36	03/01/96	New Enterprise Stone & Lime Co., Inc.	135,000.00
2045115-02	03/01/96	Beach's Dental Equipment Sales and Service	12,765.00	5610-36	03/01/96	Keystone Lime Co., Inc.	135,000.00
2045115-03	03/01/96	Meer Dental Supply	2,808.00	5610-36	03/01/96	Kaminski Brothers, Inc.	135,000.00
2064205-01	03/04/96	Flight Suits Ltd.	4,879.17	5610-36	03/01/96	Kendi Enterprises, Inc.	135,000.00
2117115-01	03/01/96	Agway Crop Center	23,218.00	5610-36	03/01/96	Joseph McCormick Const. Co., Inc.	135,000.00
2117115-02	03/01/96	Crites-Moscow Growers, Inc.	8,580.00	5610-36	03/01/96	P & W Excavating, Inc.	135,000.00
2119215-01	03/04/96	Dixon-Shane	21,414.48	5610-36	03/01/96	Locust Ridge Quarry	135,000.00
2234215-01	02/29/96	Golden State Medical Supply	8,720.56	5610-36	03/01/96	Leslie L. Whitaker & Son	135,000.00
2248215-01	03/04/96	J-O-M Pharmaceutical Services	68,497.00	5610-36	03/01/96	Latrobe Construction Co.	135,000.00
2275215-01	02/29/96	J-O-M Pharmaceutical Services	24,818.58	5610-36	03/01/96	Lehigh Asphalt Paving & Constr.	135,000.00
2362115-01	03/01/96	W. W. Grainger, Inc.	8,670.09	5610-36	03/01/96	Lee Bowman Asphalt & Paving Co.	135,000.00
2395115-01	02/29/96	United States Rent Alls	2,400.00	5610-36	03/01/96	State Aggregates, Inc.	187,500.00
2610-01	03/15/96	Bridgestone/Firestone	50,000.00	5610-36	03/01/96	Pennsy Supply, Inc.	135,000.00
2610-01	03/15/96	General Tire	50,000.00	5610-36	03/01/96	Wayco, Inc.	135,000.00
2610-01	03/15/96	Michelin North America, Inc.	50,000.00	5610-36	03/01/96	West Penn Asphalt Co., Inc.	135,000.00
2610-01	03/15/96	Goodyear Tire & Rubber	50,000.00				

## STATE CONTRACTS INFORMATION

1217

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-36	03/01/96	Valley Quar- ries, Inc.	135,000.00	5610-36	03/01/96	Campbells As- phalt Prod., Inc.	135,000.00
5610-36	03/01/96	Union Quar- ries, Inc.	135,000.00	5610-36	03/01/96	Eastern Indus- tries, Inc.	135,000.00
5610-36	03/01/96	Trumbull Corp.	135,000.00	5610-36	03/01/96	Dalrymple Gravel and Cont. Co., Inc.	135,000.00
5610-36	03/01/96	York Building Prod. Co., Inc.	135,000.00	5610-36	03/01/96	Dunbar Asphalt Products, Inc.	135,000.00
5610-36	03/01/96	Wiest Asphalt Products	135,000.00	5610-36	03/01/96	Derry Con- struction Co., Inc.	135,000.00
5610-36	03/01/96	Windsor Ser- vice, Inc.	135,000.00	5610-36	03/01/96	A.B.E. Materi- als—Easton Div. of Haines and Kibblehouse, Inc.	135,000.00
5610-36	03/01/96	Wilson Paving	135,000.00	5610-36	03/01/96	Buffalo Crushed Stone, Inc.	135,000.00
5610-36	03/01/96	Romano Paving and Excavat- ing, Inc.	135,000.00	5610-36	03/01/96	Allegheny As- phalt and Paving, Inc.	135,000.00
5610-36	03/01/96	Russell Indus- tries, Inc.	135,000.00	5610-36	03/01/96	American As- phalt Paving Co.	310,055.00
5610-36	03/01/96	Russell Stan- dard Corp./ Irwin	135,000.00	5610-36	03/01/96	Eastern Indus- tries, Inc.- West	182,410.00
5610-36	03/01/96	Quaker Sales Corp.	135,000.00	5610-36	03/01/96	A. G. Kurtz & Sons, Inc.	135,000.00
5610-36	03/01/96	Riverside Mate- rials, Inc.	135,000.00	5610-36	03/01/96	Blades Con- struction Products	135,000.00
5610-36	03/01/96	TDPS Materi- als	135,000.00	5610-36	03/01/96	Bitum. Paving Mat of York, Inc.	135,000.00
5610-36	03/01/96	TPC Asphalt Supplies	135,000.00	5610-36	03/01/96	B & L Asphalt Industries	135,000.00
5610-36	03/01/96	Sheridan Corp.	135,000.00	5610-36	03/01/96	Better Materi- als Corp.	135,000.00
5610-36	03/01/96	Joseph Ciccone & Sons, Inc.	135,000.00	5610-36	03/01/96	Barletta Mate- rials and Const., Inc.	135,000.00
5610-36	03/01/96	Siliver Hill Quarry, Inc. Div. of Haines & Kibblehouse, Inc.	135,000.00	5610-36	03/01/96	Hempt Broth- ers, Inc.	135,000.00
5610- 36	03/01/96	Bechtelsville Asphalt/Div. of Haines and Kibblehouse, Inc.	135,000.00	5610-36	03/01/96	I.A. Construc- tion Corpora- tion	185,209.00
5610-36	03/01/96	Jay Fulkroad & Sons, Inc.	135,000.00	5610-36	03/01/96	Highway Mate- rials, Inc.	135,000.00
5610-36	03/01/96	Commercial Asphalt Prod- ucts	135,000.00	5610-36	03/01/96	Heilman Pave- ment Special- ties	135,000.00
5610-36	03/01/96	Commercial Asphalt Sup- ply, Inc.	135,000.00				
5610-36	03/01/96	Clairton Slag, Inc.	135,000.00				
5610-36	03/01/96	Calvin C. Cole, Inc.	135,000.00				

## STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
5610-36	03/01/96	Handwerk Materials/Div. Haines and Kibblehouse, Inc.	135,000.00	5710-01	03/01/96	Highway Mate- rials, Inc.	10,000.00
5610-36	03/01/96	H & K Materi- als, Inc.	135,000.00	5710-01	03/01/96	Valley Emul- sion Co.	2,491,110.00
5610-36	03/01/96	HRI, Inc./ Columbia Asphalt Div.	1,464,679.25	5710-01	03/01/96	Coastal Refin- ing and Mar- keting	135,997.00
5610-36	03/01/96	HRI, Inc./State College	135,000.00	5710-01	03/01/96	T.D.P.S. Materi- als	10,000.00
5610-36	03/01/96	HRI, Inc. Key- stone Pave- ment Div.	135,000.00	5710-01	03/01/96	Pennsy Supply, Inc.	10,000.00
5610-36	03/01/96	HRI, Inc./ Stroudsburg	135,000.00	5710-01	03/01/96	Eastern Indus- tries, Inc.	30,000.00
5610-36	03/01/96	Foster Grading Co.	135,000.00	5710-01	03/01/96	Russell Stan- dard Corp.	4,598,568.00
5610-36	03/01/96	Grannas Bros. Stone and Asphalt Co.	135,000.00	5710-01	03/01/96	Neville Chemi- cal Co.	82,813.00
5610-36	03/01/96	Evans Asphalt Co., Inc.	135,000.00	5710-01	03/01/96	Warden Asphalt Co.	887,431.00
5610-36	03/01/96	EJB Paving and Materi- als Co.	135,000.00	5710-01	03/01/96	I.A. Construc- tion Corp.	2,455,466.00
5610-36	03/01/96	Eureka Stone Quarry, Inc./ Moscow	135,000.00	5710-01	03/01/96	Suite-Kote Corp.	160,975.00
5610-36	03/01/96	Eureka Stone Quarry, Inc./ Chalfont	135,000.00	5710-01	03/01/96	JMG Enter- prises	214,538.00
5610-36	03/01/96	Glasgow, Inc.	135,000.00	5710-01	03/01/96	Dosch-King Emulsions, Inc.	1,125,940.00
5610-36	03/01/96	Golden Eagle Construction Co.	135,000.00	5710-01	03/01/96	Koch Materials Co.	28,170.00
5610-36	03/01/96	Glenn O. Hawbaker, Inc.	135,000.00	5710-01	03/01/96	Sun Company, Inc.	68,924.00
5610-36	03/01/96	General Crushed Stone Co.	135,000.00	7313260-01	03/01/96	Ace Instant Sign Com- pany	5,512.90
5610-36	03/01/96	Great Valley Materials, Inc.	135,000.00	7313300-01	03/04/96	United Steel and Wire Co.	7,063.00
5710-01	03/01/96	Daniel B. Krieg, Inc.	40,000.00	8502820-01	02/29/96	Dunlaps Just Ask Rental	19,240.00
				8935-01	03/15/96	Feeser's, Inc.	98,204.30
				8935-01	03/15/96	Tova Indus- tries, Inc.	90,052.50

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-438. Filed for public inspection March 15, 1996, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 177]

### Enhanced Emission Inspection

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), under the authority contained in 75 Pa.C.S. §§ 4103, 4531, 4701, 4706, 4707 and 6103 (Vehicle Code) proposes to amend Chapter 177 (relating to enhanced emission inspection program) as set forth in Annex A. These regulations are promulgated as required by the Federal Clean Air Act (Clean Air Act), as amended by Pub. L. No. 101-54, 104 Stat. 2399—2712 (42 U.S.C.A. §§ 7401—26718) and Pub. L. No. 104-59, \_\_\_ Stat. \_\_\_ (known as the National Highway System Designation Act of 1995 (NHS Act)).

#### *Purpose of the Chapter*

The purpose of this chapter, consistent with sections 4531, 4701, 4702, 4706, 4707 and 4721 of the Vehicle Code, is to implement an enhanced emission inspection program as required by the Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and the regulations promulgated thereunder, 40 CFR Part 51.

#### *Purpose of these Amendments*

These proposed amendments delete the existing Chapter 177 and reestablish the same to enable the Commonwealth to create and maintain an annual, enhanced vehicle emission inspection and maintenance (I/M) program that meets Federal requirements.

The 1990 amendments to the Clean Air Act impose strict requirements on states to clean the air, particularly in polluted urban areas. The Clean Air Act requires that in counties with serious or worse ozone problems, several steps be taken to reduce emissions, including implementing an enhanced I/M program. The only areas in this Commonwealth classified under the 1990 Clean Air Act amendments as having a serious or worse ozone problem are the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, also referred to as the "five county Philadelphia area."

However, the 1990 amendments to the Clean Air Act also created the Northeast Ozone Transport Region. An ozone transport region is a group of states or parts of states that adjoin each other and that comprise a geographical area where air currents carry pollution from one part of the region to another, thus affecting the air quality of neighboring areas. States in this ozone transport region, which includes Pennsylvania, must implement enhanced I/M programs regardless of the quality of the air in those counties, if the area meets a certain population threshold of 100,000 or more. As a result, Pennsylvania must implement an enhanced I/M program in 25 counties, not just the five county Philadelphia area.

The Clean Air Act also requires each state to submit a State Implementation Plan (SIP) which details how the state will control all types of pollutants, including mobile source pollutants, and how the state will achieve and maintain clean air standards. One of the key elements of the SIP is the I/M program, since it provides for control of a major source of pollution and can achieve results soon after it is implemented. An effective I/M program will also

help offset growth in vehicle use and miles travelled and allow for new industrial growth that might cause additional pollution.

Vehicles depend on properly functioning emission controls to keep pollution levels low. Minor malfunctions in the emission control system can increase emissions significantly, and the Environmental Protection Agency (EPA) estimates that the average car on the road emits 3 to 4 times the amounts of pollutants permitted by new car standards. Since major malfunctions in the emission control system can cause emissions to skyrocket, the EPA has also estimated that 10% to 30% of vehicles cause the majority of the vehicle related pollution problem.

An I/M program achieves its objective by identifying vehicles that have high emissions of pollutants as a result of one or more malfunctions, and by requiring these vehicles to be repaired. An enhanced I/M program covers more model years of vehicles operated in an area, identifies high emitting vehicles and has additional or "enhanced" features to assure that vehicles are tested properly and are effectively repaired. The Clean Air Act directed the EPA to establish minimum performance standards for an enhanced I/M program.

Section 182(c)(3) of the Clean Air Act (42 U.S.C.A. § 182(c)(3)), required the EPA Administrator to publish guidance in the *Federal Register* for enhanced I/M which includes a performance standard achievable by a model or benchmark program combining emission testing, including on-road emission testing, with visual inspection to detect tampering with emission control devices and misfueling for certain passenger vehicles and light duty trucks; and program administration features necessary to reasonably assure that adequate management resources, tools and practices are in place to attain and maintain the performance standard.

The Clean Air Act further specifies that each enhanced I/M program shall include, at a minimum, computerized emission analyzers; on-road testing devices; denial of waivers for warranted vehicles or repairs relating to tampering; a \$450 expenditure to qualify for waivers for emissions-related repairs not covered by warranty; enforcement through registration denial unless an existing program with a different mechanism can be demonstrated to have greater effectiveness; annual inspection unless a state can demonstrate that less frequent testing is equally effective; centralized testing unless the state can demonstrate that decentralized testing is equally effective; and inspection of the emission control diagnostic system. These are required design elements of each enhanced I/M program, not merely of a model or benchmark program. In addition, each enhanced I/M state must biennially submit to EPA a comprehensive evaluation of program effectiveness, including an assessment of emission reductions achieved by the program. Enhanced I/M programs must achieve minimum emission reductions of volatile organic compounds and oxides of nitrogen from vehicles in the affected ozone nonattainment areas and emission reductions of carbon monoxide in the affected carbon monoxide nonattainment areas.

When the amendments to the Clean Air Act were enacted, the state-of-the-art technology was the BAR 90, the acronym used for the California Bureau of Automotive Repair's "Exhaust Gas Analyzer Specifications," an upgrade to the simple idle test used in most currently operating I/M programs. The BAR 90 specifications were

required for analyzer use in California to measure emissions of volatile organic compounds and carbon monoxide. The emissions stations currently operating in the ongoing Pennsylvania decentralized test and repair program are the BAR 80, the predecessor to the BAR 90.

On November 5, 1992, the EPA published the required guidance as a final rule containing the I/M program requirements (1992 Rule). According to the EPA, the concept of a performance standard provides affected states flexibility in designing an enhanced I/M program, as long as the numerical goal for emission reductions is attained. Except where mandated by the Clean Air Act, states may choose to vary any of the design elements of the model program provided the overall effectiveness is at least as great as the performance standard. The 1992 Rule detailed various requirements for design and implementation of all I/M programs. These included improved enforcement, quality assurance, quality control, test procedures, on-road testing and other aspects of the program.

In the 1992 Rule, the EPA stated that the simple idle test used in ongoing I/M programs has serious flaws. The idle test works well for pre-1981 carbureted, noncomputerized cars because typical emission control problems could be detected while the vehicle was idling. According to the EPA, today's high-tech cars, with sensors and computers that continuously adjust engine operations, are more effectively tested with procedures that include cycles of acceleration and deceleration. Sensor and computer operation and emissions must be tested during the high emission acceleration and deceleration driving modes to most reliably identify high polluting cars. At the same time, the EPA was of the opinion that the visual inspection of emission control devices is less relevant. This is because tampering and misfueling rates have declined significantly with the phase out of leaded gasoline and the difficulty of tampering with today's high-tech cars.

Another flaw identified by the EPA with the simple idle test is its inability to detect excessive evaporative emissions. Over the last several years, the EPA has learned that vapors which escape from various points in the vehicle fuel system present a huge source of hydrocarbon emissions, generally greater than tailpipe exhaust. No ongoing I/M program tests for these evaporative emissions. Therefore, in the 1992 Rule, the EPA would require implementation of two functional checks which determine whether vehicle evaporative emission control systems are operating properly: (1) a pressure check to find leaks in the fuel system, such as a bad gas cap or cracked evaporative system hose; and (2) a check of the purge system that removes gasoline vapors stored in the charcoal canister and routes them to the engine where they can be burned as fuel. The purge check is done during testing which takes place while the vehicle is in a driving mode because the purge system does not operate during idle.

Instead of requiring an upgrade to the BAR 90 in addition to the two functional tests, the 1992 Rule based its performance standard on a different test which required new equipment known as the IM 240, which simulates actual driving and allows measurement of tailpipe emissions and evaporative system purge. According to the EPA, the IM 240 also reliably identifies vehicles needing repair. The EPA noted that the IM 240 costs about \$140,000 per lane versus \$15,000 to \$40,000 for variations on the BAR 90. The EPA also noted that the time it takes from when a vehicle enters the test lane until the vehicle leaves is 10—15 minutes versus about 5 minutes for the simple idle test.

In its 1992 Rule, the EPA also announced its preference for centralized test-only networks for enhanced I/M programs. The 1992 Rule also contained a provision for case-by-case equivalency, in which emission reduction credits for test-and-repair networks are assumed to be 50% less than for a test-only network for the tailpipe emission test, purge test, evaporative system integrity test, catalyst check, and gas cap check; and 75% less for the evaporative canister checks, positive crankcase ventilation check, and air system checks. This meant that if a state chose to implement a test-and-repair I/M program, the EPA would automatically penalize the program design, and that the loss of emission reduction credits would have to be made up elsewhere in the program such as by testing more model years or more frequently. The EPA stated that smaller reductions and loss of credits for the various test protocols could be claimed if a state could demonstrate to the satisfaction of the EPA Administrator that, based on past performance with the specific test type and inspection standards employed, its test and repair system will exceed these levels. At a minimum, the 1992 Rule required that a demonstration include: (1) surveys that assess the effectiveness of repairs performed on vehicles that fail the tailpipe emission test and evaporative system test; (2) measurement of actual tampering rates, their change over time, and the change to finding and fixing such tampering as opposed to deference effects; and (3) undercover surveys of inspector effectiveness as it relates to identifying vehicles that need repair.

However, in its preamble to the 1992 Rule, the EPA stated that it believed

... it could not accept any of the currently operating decentralized programs as equally effective to centralized. With these effectiveness losses, it is not possible for a decentralized test and repair program to meet the performance standard for enhanced I/M, regardless of the test type and vehicle class coverage.

The EPA believed that significant changes were needed in the design and oversight of decentralized programs. The EPA suggested that tests were more likely to be performed correctly if the testing agent did not have any interest or involvement in the repair of vehicles. Another important consideration is oversight of the multitude of stations found in low volume decentralized programs. Extensive quality assurance efforts are necessary because of the greater number of stations and inspectors, limited oversight capability, greater incentive for improper testing and lack of effective enforcement mechanisms in many programs. Even very tightly designed and run quality assurance processes and decentralized systems do not insure that proper inspections do take place, that forms are adequately controlled, or that the program actually achieves estimated emission reductions. The EPA stated that while advanced analyzer technology, such as the BAR 90, may improve the effectiveness of decentralized testing, the analyzer alone would not eliminate the incentive for private station owners to perform tests improperly, or solve the quality assurance and oversight programs repeatedly identified in decentralized programs.

Given all of the hurdles the EPA was imposing on states that desired to implement a decentralized test-and-repair network to satisfy the enhanced I/M requirements, the Commonwealth proceeded with the EPA preferred IM 240 centralized test-only network under section 4706 of the Vehicle Code (relating to prohibition on expenditures for emission inspection program) A single contractor, Envirotest Systems, was selected to construct and operate 86 test-only locations in the 25 affected counties. A



vehicle would be required to use one of the Envirotest sites for the emissions test, go to a repair facility for any needed repairs, and then return to an Envirotest location for a retest. The test fee, determined in the contract between the Department and Envirotest, would have averaged \$17.20. The program as then proposed would have been a biennial program, testing approximately 5.9 million vehicles every 2 years. Compliance with the program was to have been ensured by registration denial: if an emissions test was not performed or if a waiver were not issued, the vehicle would not be permitted to be registered. Moreover, vehicle owners would have been required to spend at least \$450 in repairs before a waiver could be issued.

However, section 4706(c) of the Vehicle Code required the Department to cease implementation of the centralized, test-only system and move to consideration of either a totally decentralized or a hybrid testing network. A hybrid testing network would consist of elements of both test-only and decentralized test-and-repair stations.

The EPA thereafter announced in December 1994, that it would soon amend its 1992 Rule to establish separate "high" and "low" enhanced I/M performance standards for areas required to implement enhanced I/M programs, and on September 7, 1995, the EPA published its "Inspection Maintenance Flexibility (I/M Flexibility Rule) Amendments." The "high" standard would be the same as the performance standard originally established by the 1992 Rule. The "low" standard would be applicable to areas that could comply with the other Clean Air Act pollution reduction requirements and achieve attainment with a program that had less emission reduction requirements than the high performance standard. The EPA asserted that since the low standard would be considerably more lenient, states subject to it would have more flexibility in terms of the program that they would implement.

In addition to the new low performance standard, the EPA developed emission reduction credits for several other program concepts for which the EPA had never given emission reduction credits. These included credits for: (1) technician training and certification; (2) retest based hybrid I/M networks; and (3) alternate test equipment known as the ASM, an acronym for "Acceleration Simulation Mode." The technician training and certification concept offers additional emission reductions if a state adds certain elements to its program. The retest based hybrid and ASM approaches can be used to meet the high enhanced or low enhanced performance standard. However, the EPA maintained its preference for the IM 240 test-only centralized network, and its belief that a test-and-repair program, even with ASM, purge and full technician training credit, cannot meet or even come close to the high enhanced I/M performance standard. The main reason a decentralized test-and-repair network does not meet the high enhanced performance standard is because of the automatic 50% penalty imposed in the 1992 Rule.

The I/M Flexibility Rule also revised the high enhanced I/M performance standard to include a visual inspection of the positive crankcase ventilation valve on all passenger vehicles and light duty trucks for model years 1968 to 1971, inclusive, and of the exhaust gas recirculation valve on all passenger vehicles and light duty trucks for model years 1972 through 1983, inclusive.

The 1992 Rule required that states with enhanced I/M programs shall implement a \$450 minimum expenditure to qualify for a waiver when the I/M program starts in 1995. For emissions related repairs not covered by war-

ranty, the Clean Air Act requires a minimum expenditure of \$450 for vehicles to qualify for a waiver. The Clean Air Act also requires that the waiver limit be adjusted annually based on the consumer price index (CPI) with a base year of 1989. With the I/M Flexibility Rule, the EPA postponed full implementation of the enhanced I/M waiver requirements until July 1, 1998, to allow states time to reach the long term goals of the Clean Air Act. The EPA believed that the enhanced I/M program should be fully implemented by 1998, including the CPI adjusted \$450 waiver, which would enable areas to achieve the reductions contemplated by the program prior to the November 15, 1999, attainment deadline for serious ozone nonattainment areas. EPA also stated that the extension of the waiver deadline will give states the opportunity to improve technician training so that by 1998, the majority of vehicles would be repaired for well below the CPI adjusted \$450 minimum waiver amount.

Later in September of 1995, the EPA issued a notice of proposed rulemaking for Inspection and Maintenance Ozone Transport Region Flexibility Amendments (OTR I/M). The proposed OTR I/M rulemaking may revise the I/M requirements by adding a special low enhanced performance standard for qualified areas in ozone transport regions. This additional performance standard would apply to attainment, marginal and moderate ozone nonattainment areas in the OTR. The OTR low enhanced performance standard model program would consist of the following elements: annual testing of 1968 and newer light duty vehicles and light duty trucks; on-board diagnostic (OBD) checks for 1996 and newer vehicles; remote sensing of 1968 through 1995 vehicles; catalyst checks on 1975 and newer vehicles; and PCV valve checks on pre-1975 vehicles. The EPA is still in the process of evaluating the emission impact of the OTR I/M rule.

On November 28, 1995, the NHS Act was enacted. The NHS Act specifically addresses the 50% penalty. Section 347 of the NHS Act states that "the Administrator of the Environmental Protection Agency shall not require adoption or implementation by a state of a test only IM 240 enhanced vehicle inspection and maintenance program as a means of compliance with . . . [Enhanced IM requirement]." It further provided that the "Administrator shall not disapprove or apply an automatic discount to a state implementation plan revision . . . on the basis of a policy, regulation or guidance providing for a discount of emissions credits because the inspection and maintenance program and such plan revision is decentralized or a test and repair program."

The NHS Act permits, within 120 days of the date of its enactment, a state to submit a SIP revision proposing an interim inspection and maintenance program. The 120 days ends on March 27, 1996. The NHS Act requires the EPA Administrator to

. . . approve such program based on the full amount of credits proposed by the state for each element of the program if the proposed credits reflect good faith estimates by the state and the revision is otherwise in compliance with such Act. If, within such 120 day period, a state submits to the Administrator proposed revisions to the implementation plan, has all of the statutory authority necessary to implement the revisions, and has proposed a regulation to make the revisions, the Administrator may approve the revisions without regard to whether or not such regulation has been issued as a final regulation by the state.

The conference language accompanying the NHS Act recognized that the 1990 Clean Air Act Amendments included some specific requirements for enhanced I/M programs but, beyond these requirements, which did not include centralized testing or a particular testing technology, states were to be given broad latitude to design programs meeting a general performance standard. Accordingly, the NHS Act prevents the EPA Administrator from requiring states to use the test-only IM240 in enhanced I/M programs.

Another consideration for reevaluating the test equipment to be used is the increasing availability of on-board diagnostic equipped vehicles, or vehicles that have the ability to perform self-diagnosis of emissions problems. Section 202(m) of the Clean Air Act (42 U.S.C.A. § 7521(m)), directed the EPA to promulgate regulations requiring manufacturers to install OBD systems on all new 1994 and later model year light duty vehicles and light duty trucks. According to the EPA, these OBD systems will monitor emission control components for any malfunction or deterioration causing violations of any emission standards, and alert the vehicle operator to the need for repair. When a malfunction occurs, diagnostic information must be stored in the vehicle's computer to assist the mechanic in diagnosis and repair.

Since OBD equipped vehicles will not constitute a significant portion of the fleet for several years, the EPA expects existing I/M programs to identify and cause to be repaired those vehicles in all I/M areas which exceed the emission standard for that vehicle. The EPA does not attribute any emission reductions to OBD until the year 2005. By that year, the EPA estimates that roughly 73% of the in-use fleet will be OBD equipped, and an increasingly significant number of these will be reaching higher mileages where repairs will be more typically required. The EPA also estimates that the existing I/M test equipment will likely be aged to the point of requiring significant maintenance and perhaps replacement. Therefore, instead of potentially investing large sums of money in updating all their I/M test equipment, the EPA assumes that I/M programs will begin using a check on the OBD system to make pass/fail determination on OBD equipped vehicles during I/M inspection. Pre-OBD vehicles would continue to be subject to the enhanced I/M test discussed in this proposed rulemaking.

The OBD will save the consumer money. The EPA expects stations to reduce charges for vehicles which undergo an OBD I/M inspection, since the inspection would consist solely of a quickly conducted check of the OBD system for stored trouble codes. The reduction in time spent by repair technicians is expected to result in a reduction in labor costs and an overall reduction in the cost to repair many malfunctioning vehicles. In addition, the vehicles operate more efficiently when emission repairs are made.

By the year 2005, the EPA estimates that there will be roughly 65 million OBD equipped vehicles in 49-state I/M areas. The EPA has not been able to adequately quantify some potential cost savings, such as those savings associated with early repairs of malfunctions which, if left undetected and unrepaired, could result in the need for even more costly repairs in the future. Also, improved repair effectiveness should reduce the potential for a part to be unnecessarily replaced in attempting to fix a problem. Repair facilities should also benefit from the availability of generic tools for accessing and using the OBD system in problem diagnosis and repair. These service facility benefits could be passed along to the

consumer in the form of lower repair costs. While none of these cost savings have been quantified, all should reduce the cost of OBD implementation.

Since test technology is at the threshold of OBD implementation, the issue for the Commonwealth was what enhanced I/M program to implement, consistent with section 4706 of the Vehicle Code. Air quality monitoring results from the summer of 1995, establish that the Commonwealth cannot wait until OBD is here to upgrade its current I/M program. However, the Commonwealth did not want to require test-and-repair facilities to spend an exorbitant amount of money for test-and-repair equipment that the EPA estimates might very well be obsolete within the next decade. Thus, given that the structure of any enhanced I/M system may change over time, the IM 240 was rejected as unfeasible.

These proposed amendments contain the starting point to meet enhanced I/M program requirements with a totally decentralized test-and-repair network. The program outlined in these proposed amendments will affect approximately 5.9 million vehicles. Under the program, all test and repairs will be conducted on an annual basis, in conjunction with the existing annual safety inspections. A monetary cap for repairs will be phased in, beginning at \$150, for the first 2 years of the program. Many private garages will be available for testing, not just the limited number of 86 stations as originally proposed under the centralized testing program. The schedule for emissions inspections will be coordinated with annual safety inspections rather than with vehicle registration renewals. An emission inspection must be completed prior to undergoing a safety inspection. A certificate of emission inspection or sticker will be prominently displayed on the vehicle's windshield which can be readily observed by police officers as an enforcement measure.

The decentralized test-and-repair program will be phased in. Under the NHS Act, the enhanced I/M program must begin no later than 12 months after the EPA has approved the Commonwealth's I/M SIP, a decision on which the EPA expects to issue in July or August, 1996. EPA is requiring that the program be implemented in at least 9 counties by July or August, 1997. The counties that would be required to implement the program in 1997, are Beaver, Allegheny, Washington, Westmoreland, Bucks, Montgomery, Philadelphia, Delaware and Chester. The Department believes that it will have a test-and-repair network in place in time for those counties to have a program that meets the EPA requirements because these areas have an ongoing I/M program operating now. The counties of Lehigh and Northampton will continue with the current emissions program until 1999, when an enhanced system of emissions testing will be required to be implemented. The remaining 14 counties, which do not now have an emission program operating, also will have a program in 1999.

Counties which must meet the high enhanced performance standard are Philadelphia, Bucks, Montgomery, Chester and Delaware. The test procedure proposed to be used in those counties will be the Acceleration Simulation Mode (ASM) test procedure. The remaining 20 counties which must meet the low-enhanced performance standard are Allegheny, Beaver, Berks, Blair, Cambria, Centre, Cumberland, Dauphin, Erie, Lackawanna, Lancaster, Lebanon, Lehigh, Lycoming, Luzerne, Mercer, Northampton, Washington, Westmoreland and York.

The Department is proposing that there be no cap on the test fee that test-and-repair stations can charge for

the enhanced emissions test. While a cap on the test fee serves the purpose of ensuring that the fee is affordable to motorists, the Department believes that a cap artificially lowers the fee and may unintentionally encourage emissions facilities to fail vehicles that should pass just so that the station can recover the costs of performing the test. The safety inspection program, another inspection program managed by the Department, operates successfully without a cap on the fee that stations can charge for performing the safety inspection. As in the safety inspection program, the fee would not be set by the State but rather would be market-driven, and motorists would be able to select their preferred facility using criteria that are important to that particular motorist, such as location, price, and/or service. The Department expects market competition to keep the emissions test fee low.

The Department is not proposing that all vehicles be repaired until they pass the emissions test. Rather, as in the ongoing I/M program, a vehicle can be waived from passing the emissions test if it spends a minimum amount on emission-related repairs. The waiver amount in the current emission program is \$50 or \$25, depending on the age of the vehicle. However, there are few, if any, emissions related repairs that can be performed at these amounts. Since the purpose of the enhanced emissions program is to identify the vehicles that need repairs and have those repairs made, the Department is proposing that the waiver amount be set at \$150, for the first 2 years of the enhanced program. Thereafter, the waiver amount will be the minimum amount required by the EPA.

In addition, the Department intends to issue requests for proposals for data collection, quality assurance/audits, inspector/mechanic training, remote sensing and an overall program manager. These requests will be drafted to ensure that EPA requirements will be met.

An issue raised with the previously proposed centralized testing program was the lack of public input into the structure of the program. The Department and the Department of Environmental Protection have established ozone stakeholder groups in the southeast and the southwest parts of the state to work on specific solutions to the ozone problems in those regions. Accordingly, the Department expects and seeks significant public input into the final form of the program.

Section 4706(g)(3) of the Vehicle Code provides the necessary statutory authority to implement a totally decentralized test-and-repair enhanced I/M program. However, the Department will be seeking amendments to allow a visual component to the inspection, coordinate the emissions inspection to the safety inspection, as well as to permit the Department to charge certain fees: application fees to facilities and technicians, and a sticker fee to motorists. These fees would be remitted to the Department to enable the enhanced program to be self-supporting. These portions of the enhanced emissions program will not be implemented until enactment of the statutory amendments.

The following represents a summary of the significant provisions which are contained in these proposed amendments. Although the Department realizes that there is keen public interest in the arena of emission inspection and certainly wanted to canvas a broad cross-section of affected persons for their input in developing these proposed amendments, under the time constraints imposed upon the Commonwealth by the EPA and the National Highway System Designation Act of 1995, as part of the Commonwealth's SIP the Department must

submit an accompanying published, proposed rulemaking not later than March 27, 1996. Accordingly, the Department was not able to have the diversity of discussion and participation that is desired and felt necessary for proposing regulations of this magnitude. The Department, however, in an effort to alert a portion of the affected industry to the Department's proposed program and to solicit comment, met informally with the Service Station Dealers and Automotive Repair Association, and the Automotive Service Association of Pennsylvania. Further, the Department strenuously and earnestly invites comment on these proposed amendments.

Proposed §§ 177.21—178.23 (relating to implementation of the enhanced I/M program) explain the implementation procedure for the new I/M program. These sections provide for the current test program to cease as of the date specified by the Secretary of the Department by notice in the *Pennsylvania Bulletin*, and the enhanced emission inspection program to begin on a date designated by the Secretary by notice in the *Pennsylvania Bulletin*, or 60 days after the Secretary has certified the effective date of the commencement of the program by notice in the *Pennsylvania Bulletin*.

Proposed § 177.51 (relating to program requirements) provides an outline of the proposed enhanced I/M program. The program includes the establishment of a decentralized emission inspection network of privately owned and operated, Department-certified facilities. Subject vehicles and exhaust emission test types are established, including a visual inspection of the emission control devices or an antitampering inspection. The geographical areas subject to emission inspection are to be established by certification by the Secretary and are to be published in the *Pennsylvania Bulletin*.

Section 177.51(i) provides for the on-road or roadside testing of vehicles outside the normal enhanced I/M procedure and establishes that subject vehicle owners shall comply with all emission related recall notices concerning their vehicles as a prerequisite to completing the emission inspection and registration process. Federal regulations require that enhanced areas are required to use on-road testing to evaluate the in-use performance of at least 0.5% of the vehicles subject to testing each year, and owners of vehicles found to be high emitters are to be required to pass an out-of-cycle follow-up inspection. Moreover, the EPA has stated that it intends to grant extra emission credit for an enhanced I/M program that is designed to obtain significant reductions over and above those already achieved by other aspects of the program. Section 4706(g)(3) of the Vehicle Code requires the Department to "utilize the newest and most efficient technologies, including, but not limited to, remote roadside testing, identification and targeting of gross polluting vehicles and alternative equipment to existing inspection technology."

The Commonwealth also intends to seek statutory authority to have visual inspections performed as part of the emissions test. In the 1992 Rule, the EPA had exempted older vehicles from the IM240, visual inspections and evaporative systems checks. The EPA also had stated its intent to not enforce the requirement for visual inspections. Section 9 of the act of February 10, 1994 (P. L. 10, No. 2) deleted the Department's authority to require visual inspections. However, under the opinion of the Court of Appeals for the District of Columbia Circuit, *Natural Resource Defense Council v. EPA*, 22 F.3d 1125 (D.C. Cir. 1994), the EPA was required to establish an enhanced I/M performance standard that was "the prod-

uct of two different kinds of testing," including a visual and an emission test. Since EPA's 1992 Rule included only one test, a steady-state, idle-based tailpipe test on vehicle model years 1968 through 1983 and did not require a visual inspection of those cars, the Court found that the 1992 Rule fell short of complying with the letter of Clean Air Act for those model years. The EPA amended the enhanced I/M performance standard to include the required visual checks, and these proposed amendments are drafted to be consistent with the visual inspection requirements.

Accordingly, the Department reserved § 177.51(l), relating to program requirements, to address the visual inspection component of the enhanced I/M test. If the Department is successful in receiving the necessary statutory authority, § 177.51(l) subheading would be entitled emissions control device inspection," and would state as follows: "A visual emission control device inspection shall be administered as specified in § 177.205 (relating to visual emission control device inspection)." The Department also has reserved § 177.205 relating to the visual emission control device inspection. This reserved section would address the EPA requirement as follows:

§ 177.205. Emission control device inspections.

(a) Visual inspection of the catalyst and fuel inlet restrictor on all 1984 and later model year vehicles.

(b) Visual inspection of the positive crankcase ventilation valve on 1968 through 1971 model years, inclusive, and of the exhaust gas recirculation valve on 1972 through 1983 model year vehicles, inclusive.

According to the EPA, tampering surveys have shown that these emission control devices have been tampered with or inadequately maintained. A visual check can identify such problems and emission reductions can occur on individual cars as a result of repairs to these devices.

Proposed § 177.101 (relating to subject vehicles) identifies all vehicles subject to emission inspection. Subject vehicles include all gasoline powered vehicles with a gross vehicle weight of 9,000 pounds or less, which are registered in or are required to be registered in an I/M area. This includes leased vehicles that are registered or titled in the name of someone other than the lessee or user. Other subject vehicles include vehicles owned or leased by civilian or military personnel and operated on Federal installations located within an I/M area, regardless of where the vehicles are registered. Vehicles exempted from this requirement are tactical military vehicles and vehicles operated by personnel visiting the base for less than 60 days per calendar year.

Each Federal installation is required to provide proof to the Department that all vehicles operated on the installation comply with this section. The Federal installation can determine compliance by accepting proof from each vehicle owner that the vehicle has passed an emission test at a Pennsylvania emission inspection site or through any other I/M program deemed acceptable by the Department.

The Department specifically seeks comment on whether certificates of compliance with a required emission program issued by another state should be accepted by the Commonwealth in lieu of requiring a another emission test in the affected area. Proposed § 177.106 (relating to inspection of vehicles registered in this Commonwealth but operated outside this Commonwealth) permits the owner or operator of a subject vehicle registered in this Commonwealth, but operated outside this Commonwealth or not present in this Commonwealth at the time of the

expiration of the subject vehicle's emission inspection, to submit to the Department proof of inspection from another state. The Department will accept the inspection if that state's I/M program is comparable to the Commonwealth's I/M program. The Commonwealth currently does not accept any other state's certificate of compliance with a safety inspection program as equivalent to the safety inspection program conducted by the Commonwealth.

The Department specifically seeks comments on whether the Commonwealth should certify emission repair technicians as opposed to recognizing them. As proposed, § 177.107 (relating to repair technician training) provides that the Department will establish a voluntary repair technician training program. Persons successfully completing all phases of the training program and passing all testing requirements would qualify as "recognized repair technicians." However, the Department's preference is to certify repair technicians, which would require specialized training to have been completed. Effective repairs are the key to achieving the goals of the enhanced emission program. The EPA encourages states to establish repair technician and repair certification programs. Emphasizing training requirements increases the probability that vehicles that need repairs will be repaired.

The EPA intends to work with any state that is interested in pursuing a technician training and certification program to assign a level of emission reduction credits that is appropriate to the type and level of effort involved and the potential for getting a given fraction of vehicles repaired by trained technicians. According to the EPA, any state that requires training and certification of all technicians and requires vehicles to be repaired by trained technicians, can claim full emissions reduction credit. In an effort to meet both the high and low enhanced performance standards, the Department needs to receive full emission reduction credit for its proposed technician training requirements. The Department specifically seeks comment on the following training related issues: whether a facility should have a minimum number of technicians trained and certified; the type of training program used; the incentives to technicians to use the training; the availability of proposed diagnostic equipment; whether the BAR 80 should be used as diagnostic equipment; the incentives for vehicles owners to patronize facilities employing trained and certified technicians, and whether training and certification is mandatory or voluntary. The Department does not intend to establish certification standards but intends to approve those persons that have completed a Nationally recognized emission repair course and/or examination.

Proposed §§ 177.201—177.205 (relating to general) describe the various emission test procedures and list the standards for each model year and weight class of subject vehicle. These are based on test procedures and standards established in 40 CFR Part 51.

The following are two types of emission tests established by these proposed amendments:

(1) An idle test for all model year subject vehicles everywhere except the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia. This is because the Commonwealth can meet the low enhanced performance standard with idle testing.

(2) An ASM test for all model year subject vehicles. This test will be used only for the subject vehicles registered in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia. The Commonwealth can-

not meet the required high enhanced performance standard in these counties with the BAR 90, so a more sophisticated test is required.

Proposed §§ 177.231—177.233 (relating to recall provisions) describe the requirement that subject vehicle owners shall comply with all emission related recall notices issued by vehicle manufacturers. This includes recall notices for modifications that the manufacturer must make and those that are voluntary. Mandated modifications are those that a vehicle owner must have done to keep the vehicle warranty in effect, while voluntary recall notices include suggested repairs or modifications that may not affect the vehicle warranty. The owners or lessees of subject vehicles that have received recall notices must show proof to the emission inspection station that they have completed all recall requirements before the emission inspection process can be accomplished. Lists of vehicles affected and the recall notices will be provided to the Department by the EPA or by the vehicle manufacturers.

Proposed §§ 177.251—177.253 (relating to the emission inspection test report) provide that the owner or driver of a vehicle that has received an emission inspection shall be given a computer-generated record of the test results by the emission inspection station, including the name and identification number of the emission inspector, the type of test performed, the test standards and test results. For vehicles that fail the test, it will include information on the possible causes of the failure and warranty coverage for the vehicle.

Proposed §§ 177.281 and 177.282 (relating to issuance of waiver) establish the procedure for the issuance of a certificate of waiver. A waiver may be issued to a vehicle that has failed the emission inspection if all qualifying repairs have been completed and the subject vehicle has failed the retest. All emission controls, as originally equipped, shall be installed, unless the devices are obsolete and cannot be obtained through original equipment or aftermarket manufacturers or used parts suppliers. Although the Clean Air Act provides that an expenditure of an amount of \$450 or more for emission-related repairs is necessary to qualify for the waivers, the EPA implementing regulations allow for a phase-in of that waiver until January 1, 1998.

The Department proposes an initial waiver amount of \$150 for the first 2 years of the enhanced I/M program. Thereafter, the waiver amount shall be at least \$450 adjusted annually thereafter based on the Consumer Price Index as specified by the EPA. The Department anticipates starting the program in July or August, 1997, in Beaver, Allegheny, Washington, Westmoreland, Bucks, Montgomery, Philadelphia, Delaware and Chester Counties. The remaining 16 counties of Berks, Blair, Cambria, Centre, Cumberland, Dauphin, Erie, Lackawanna, Lancaster, Lebanon, Lehigh, Lycoming, Luzerne, Mercer, Northampton and York, will have a program in 1999.

Expenses that may not be counted toward the waiver total include costs of repair, adjustment or replacement of emission control devices that have been tampered with or are missing or are not installed. In addition, costs that are recoverable under an emission warranty, insurance policy or prepaid maintenance agreement may not be included in the waiver total.

The EPA permits a time extension, not to exceed the period of the inspection frequency, to be granted to obtain needed repairs on a vehicle in the case of economic hardship when waiver requirements have not been met.

After having received a time extension, a vehicle must fully pass the applicable test standards before becoming eligible for another time extension. The extension for a vehicle must be tracked and reported by the program. Because the enhanced I/M testing requirements are annual, the Department has not included a hardship exception in these proposed amendments. The Department has reserved § 177.283 to address the hardship exemption.

Proposed §§ 177.301—177.305 (relating to on-road testing) establish that the Department will conduct on-road tests of vehicles outside the normal emission inspection station procedure. This testing may include the use of remote sensing devices that measure the exhaust emissions of vehicles being driven past the test device and may also record images of those vehicles' license plates. It may also include tailpipe exhaust testing of a subject vehicle stopped for a roadside check. The Clean Air Act requires on-road testing to be part of the overall enhanced I/M program. As of this date, the EPA has not issued guidance on how states should employ remote sensing technology or address its current limitations and possibilities. The Department reserved § 177.303 to address the on-road testing component.

Proposed § 177.304 (relating to failure of on-road emission test) provides that the owner or operator of a vehicle that fails a roadside emission test has 30 days to have the vehicle pass an enhanced emission test, even if the vehicle bears a current certificate of emission inspection. If the Department does not receive notification of a passed test or a waiver, the Department, under § 177.305 (relating to failure to produce proof of correction of on-road emission test failure) will recall the registration of the vehicle.

Proposed § 177.401 (relating to appointment) delineates the certification requirements for official emission inspection stations. These include authorization by the Department as an official emission inspection station, the posting of a sign stating the fee for an emission inspection and the notification that no additional charge will be made for one reinspection within 30 days if the vehicle fails the initial inspection. Each station must also maintain a list of emission inspectors.

The Commonwealth intends to pursue additional statutory authority which would permit the Department to charge a fee to stations that wish to be appointed as an official emissions inspection station. Predicated on receiving the necessary statutory authority, the Department will charge \$100 as part of the application process.

Section 177.408 (relating to certified emission inspectors) sets forth the requirements to be certified as an emission test inspector. The Department will certify all emission inspectors and all emission tests shall be conducted by certified emission inspectors.

Proposed § 177.408(f) limits the number of emission inspections that can be performed on a daily basis by the same certified emission inspector. The number of inspections may not exceed 4 per hour per inspector. It is the Department's opinion that there are a limited number of inspections that can be performed properly by a single emission inspector in a given length of time.

Proposed § 177.421(a)(4) (relating to obligations and responsibilities of station owners/agents), provides that the enhanced emission inspection station keep, for a period of 2 years, all emission inspection records at the station for examination by the inspection station investigator or other authorized persons. The emission inspection records shall include, but not be limited to, the

records identified at § 177.421(a)(5)—(9), (11)—(13) (relating to general emission inspection station). The Department does not believe that keeping these records will be burdensome because the test equipment and procedures required will compile most of this information automatically.

Proposed § 177.426(d) (Reserved), will refer to a sticker fee, the Department intends to pursue additional statutory authority to permit a certificate of emission inspection or sticker fee to be charged by the participating stations for the enhanced emission inspection program to be self-supporting. Presently, there is no sticker fee for the emission inspection program, but there is a \$2.00 sticker fee for the safety inspection program. The Department expects the enhanced emission program to cost between \$8 and \$10 million annually. Inspecting approximately 5.9 million vehicles and receiving \$2.00 per vehicle would generate approximately \$11,800,000 in revenue. Stations would be permitted to charge the fee back to its customers. If the Department is successful in obtaining statutory authority, then the rule regarding this fee will be incorporated in § 177.426(d).

Proposed § 177.431 (relating to quality assurance), establishes that the Department will conduct performance audits on the emission inspection facilities on a periodic basis. These will include both overt (announced) and covert (unannounced) audits. During the overt audits, Department quality assurance officers will check to see that proper inspection and recordkeeping procedures are followed. They will also evaluate the security practices concerning certificates of emission inspection and waiver. The EPA believes that a strong covert audit program is also necessary to insure the effectiveness of any emission inspection program. Thus, the Department will conduct covert audits of the emission inspection stations that may include visual observation of inspection station personnel. Department personnel may also make site visits using covert vehicles to determine whether the vehicles are inspected correctly. Other authorized Commonwealth agents, such as personnel from the Office of Attorney General or the State Police, may also conduct audits of operations and records.

Proposed § 177.501 (relating to equipment approval procedures) provides the obligations and responsibilities of station owners/agents chosen by the Department to participate in the decentralized emission inspection program. The station owner/agent is responsible for the actions of all personnel during the operation of the emission inspection program. This includes responsibility for all emission inspections performed, the issuance and security of all certificates of emission inspection and waivers, maintenance and calibration of all emission inspection equipment and violations of the emission inspection regulations by employees. This section also requires the station owner/operator to maintain good customer relations with motorists using the inspection facilities, and to be courteous and patient when explaining the requirements and procedures relating to emission inspection. The station owner/agent shall provide the Department with data on all emission tests performed. The Department will use this data to update necessary records and to monitor the enhanced I/M program. Periodic reports will also be prepared for the EPA using the test data.

Proposed § 177.503(b) (relating to performance commitment) requires that a bond, in an amount of \$1,000,000 initially and an additional \$400,000 for every 250 analyzers sold to Pennsylvania licensed emission inspection

stations, be furnished by equipment manufacturers and approved service providers in an amount equal to the replacement value of the equipment used in the enhanced I/M program. The bond is to ensure proper performance by the equipment as well as to protect the emission station that purchases equipment or a service contract, or both.

Proposed §§ 177.602—177.605 (relating to the schedule of penalties and suspensions) establish a schedule of penalties to insure proper conduct of the enhanced I/M program by the emission inspection station and the emission inspectors. There are separate classes of penalties, graduated by severity of offenses, for emission inspection stations and emission inspectors. Monetary fines are provided for as required by 40 CFR Part 51, and permitted by section 4706(b.1)(v) of the Vehicle Code.

The Department believes that the more severe penalties should be accorded to those offenses in which fraud is committed or there is deliberate action on the part of the emission station or inspector to deviate from the requirements of the enhanced emission program.

Proposed §§ 177.651 and 177.652 (relating to the Departmental hearing procedure) provide a Departmental hearing procedure for a person charged with violation of the requirements of this chapter. The hearing will be conducted by Department personnel and will be similar to the hearing process used in the current safety and emissions inspection programs.

Proposed §§ 177.671 and 177.672 (relating to restoration after suspension) set forth the procedure to permit the restoration of emission inspection privileges to emission inspectors who have been suspended. The sections require that, for the more serious violations, the certification will not be restored unless the emission inspector obtains classroom instruction and passes a written test and a hands-on test. The proposed sections also requires that an emission inspection station will have to re-apply to have its privileges restored, complete with another application fee.

Section 177.691 (relating to Registration Recall Committee) provides the composition of the Registration Recall Committee and establishes the grounds upon which the Committee may make a determination to recall a vehicle registration. It also provides the appeal procedure to a recall of a vehicle registration.

#### *Persons or Entities Affected*

These proposed amendments will affect approximately 5.9 million vehicle owners in designated areas of this Commonwealth, which is an increase from the 3.2 million vehicle owners currently affected by the present emission inspection program. These proposed amendments will also affect owners and operators of the existing emission inspection and repair stations and the current emission inspectors as well as safety inspection stations in I/M areas where emission tests are not performed under the present emission inspection program. However, existing safety inspection station owners, operators and mechanics will be able to continue to perform vehicle safety inspections and repairs without being required to also perform emission inspections.

#### *Fiscal Impact*

These proposed amendments will impose costs on State and local governments as a consequence of emission inspection and possible repair of their vehicles. EPA estimates the equipment required for IM240 enhanced

testing will cost approximately \$140,000 per inspection lane versus \$15,000 for the BAR 90 and \$40,000 for the ASM.

These proposed amendments will impose additional costs on vehicle owners. Since the Department is not proposing to place a cap on the enhanced emission inspection fee, the initial cost of the fee is estimated to be higher than the current fixed charge of \$8.00 in this Commonwealth's existing emission inspection program. In addition, there is a higher cost/waiver limit. Upon failing the initial test, vehicle owners will be required to spend up to \$150 to bring their vehicles into compliance. It is the EPA's opinion, however, that only a small percentage of these vehicles will be unrepairable within the waiver expenditure requirement and that the average cost for repairs will range between \$38 and \$120. The EPA also estimates that fuel cost savings that result from the repairs will offset a considerable portion of these costs. The purpose of the enhanced emission program is to clean up the air, and identifying those vehicles that excessively pollute and repairing them to acceptable levels is will benefit the Commonwealth. Not only will the Commonwealth avoid the loss of its Federal highway funds, but the formation of ground level ozone will be reduced. Ground level ozone can cause throat irritation, congestion, chest pain, nausea, labored breathing and respiratory problems. It is particularly harmful to older people and those individuals with chronic heart and lung conditions. The United States Congress Office of Technology Assessment estimates that the reduction of ozone to meet the clean air health standards will result in the elimination of many millions of incidents of respiratory symptoms annually.

On August 31, 1994, a final Federal rule was published in 59 FR 44936 which conditionally approved the November 3, 1993, Pennsylvania SIP submittal for a centralized, test-only enhanced I/M program. The first two conditions of the conditional approval were required to be fulfilled by December 31, 1994. The first two conditions for approvability were as follows: (1) by December 31, 1994, the Commonwealth was required to submit to the EPA as a SIP revision, the *Pennsylvania Bulletin* notice which certified the geographic areas which were subject to the enhanced I/M program, and certified the commencement date of the enhanced I/M program and (2) by December 31, 1994, the Commonwealth was required to submit to the EPA as a SIP amendment, the amendments to the Pennsylvania I/M regulation, 67 Pa. Code §§ 178.202—178.204 which require the EPA approval prior to implementation of any alternate purge test procedure and incorporated the test standards and procedures found in the EPA document entitled "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications," EPA-AA-EPSP-IM-93-1, April 1994.

The proposed Federal final rule stated that if the Commonwealth did not submit, by December 31, 1994, a SIP revision in response to the first two conditions of the approval action, the conditional approval would convert to a disapproval. The Commonwealth did not submit a SIP revision. The EPA notified the Commonwealth by an April 13, 1995, letter that the conditional approval of the Pennsylvania enhanced I/M SIP had been converted to a full disapproval in accordance with section 110(k)(4) of the Clean Air Act. This action taken on April 13, 1995, started both the 18 and subsequent 6 month sanctions time periods or clocks and the 24-month Federal Implementation Plan clock. The Commonwealth must submit and the EPA must take rulemaking action to approve an

enhanced I/M SIP by October 13, 1996, and April 13, 1997, respectively, in order to halt these sanctions and Federal Implementation Plan clocks.

However, under section 348 of the National Highway System Designation Act of 1995, the EPA can no longer disapprove an I/M State Implementation Plan based on the 1992 Rule providing for a default discount for test-and-repair I/M programs nor can the default discount be applied to any plan. Second, the EPA is required to approve, on an interim basis, SIPs that claim emission reduction credits that reflect "good faith estimates." The National Highway System Designation Act of 1995 has stringent timing requirements: the Commonwealth has until March 27, 1996, to submit to the EPA a revision to the SIP describing its enhanced decentralized test-and-repair program. If this plan is not submitted on time, the Commonwealth loses the opportunity to avoid the automatic default discount, which would make it more difficult for the Commonwealth to submit an approval SIP revision in time to avoid sanctions.

There are two sanctions. The first is the loss of Federal highway funds, except for certain specified highway projects. For Pennsylvania, this could mean the loss of up to \$900 million per year in highway funding. The second sanction is the requirement for a two-for-one emissions offset for new sources of pollution in areas that fail to meet the health-based air quality standards. This means that if a new factory generating 50 tons of pollutants per year was to be built in an affected area, a source or sources that generate at least 100 tons of pollution would have to be closed. The sanctions are mandatory. The EPA must impose one of the sanctions initially, upon a finding by the EPA that a state has failed to meet a requirement of the Clean Air Act. The second sanction must be imposed after 6 months if the state has still not complied with the requirements during that time period. The imposition of either or both of these sanction will seriously hinder economic development in the Commonwealth and could impede any economic recovery.

The cost to the Commonwealth to implement an enhanced I/M program has been estimated for an expanded, decentralized I/M program. First year start-up costs associated with a decentralized program are estimated at \$10 million and \$8 million annually thereafter. The Commonwealth intends to recover these costs through revenues generated by sticker sales.

All efforts associated with creating and maintaining an enhanced I/M program will be structured to achieve environmental benefits in a cost effective manner, ensuring consistency with national energy and economic policies.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Department submitted a copy of these proposed amendments on March 4, 1996, to Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting these proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The

notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

*Sunset Date*

The Department is not establishing a sunset date for these proposed amendments since the amendments are needed to administer provisions required under the Vehicle Code. These proposed amendments will be continuously monitored for effectiveness by the Department.

Interested persons are invited to submit written comments, suggestions or objections regarding these proposed amendments to the Director, Bureau of Motor Vehicles, Room 104, Transportation and Safety Building, Harrisburg, PA 17120.

*Contact Person*

The contact person for these proposed amendments is Peter L. Gertz, Vehicle Control Division, Room G-134, Transportation and Safety Building, Harrisburg, PA 17120, (717) 787-2895.

BRADLEY L. MALLORY,  
*Secretary of Transportation*

**Fiscal Note:** 18-336. (1) Motor License Fund—Transportation; (2) Implementing year 1997-98 is \$10,000,000; (3) 1st Succeeding Year 1998-99 is \$8,000,000; 2nd Succeeding Year 1999-00 is \$8,000,000; 3rd Succeeding Year 2000-01 is \$8,000,000; 4th Succeeding Year 2001-02 is \$8,000,000; 5th Succeeding Year 2002-03 is \$8,000,000; (4) FY 1995-96 \$New Program; FY 1994-95 \$New Program; FY 1993-94 \$New program; (8) recommends adoption.

The costs of implementing this regulation may be offset if legislation to authorize the sale of emission certificates or "stickers" and to authorize the imposition of a fee for certification of emission inspection stations or emission inspectors, or both, is passed.

**Annex A**

**TITLE 67. TRANSPORTATION DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE PROVISIONS**

**ARTICLE VII. VEHICLE CHARACTERISTICS**

**CHAPTER 177. ENHANCED EMISSION INSPECTION PROGRAM**

**Subch.**

- A. GENERAL PROVISIONS
- B. SUBJECT VEHICLES
- C. EMISSION TEST PROCEDURES AND EMISSION STANDARDS
- D. OFFICIAL EMISSION INSPECTION STATION REQUIREMENTS
- E. EQUIPMENT MANUFACTURERS' AND CONTRACTOR'S REQUIREMENTS AND OBLIGATIONS
- F. SCHEDULE OF PENALTIES AND HEARING PROCEDURE

**Subchapter A. GENERAL PROVISIONS**

**GENERAL**

- Sec. 177.1. Purpose.
- 177.2. Application of equipment rules.
- 177.3. Definitions.

**IMPLEMENTATION OF ENHANCED EMISSION INSPECTION PROGRAM**

- 177.21. Cessation of current vehicle emission inspection program.
- 177.22. Commencement date.
- 177.23. Notification of requirement for emission inspection.

**ENHANCED I/M PROGRAM**

- 177.51. Program requirements.
- 177.52. Emission inspection prerequisites.
- 177.53. Vehicle inspection process.

**GENERAL**

**§ 177.1. Purpose.**

This chapter implements elements of Part IV of the Vehicle Code, 75 Pa.C.S. §§ 4531, 4701, 4702, 4706, 4707 and 4721.

**§ 177.2. Application of equipment rules.**

Equipment rules apply to subject vehicles operated on a highway, unless specifically exempted by this chapter.

**§ 177.3. Definitions.**

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

*ASM test—Acceleration Simulation Mode test*—A type of transient or "loaded" mode emission test, utilizing a dynamometer, which simulates driving a vehicle at a predetermined speed and driving condition.

*Antique motor vehicle*—A motor vehicle, which displays a current antique motor vehicle registration plate issued by the Department, and which is consistent with the definition of "antique motor vehicle" as provided in section 102 of the Vehicle Code (relating to definitions).

*Approved exhaust emission analyzer*—An instrument, developed for measuring the hydrocarbon, carbon monoxide, carbon dioxide or oxides of nitrogen emissions from the exhaust system of a vehicle, which meets required emission analyzer specifications and program requirements and has been approved by the Department under § 177.406(b) (relating to tools and equipment).

*BAR 90*—The acronym used for the California Bureau of Automotive Repair's "Exhaust Gas Analyzer Specifications" provided in 1990, for the testing and documentation of technical specifications required for the approval of analyzer use in California for the measurement of hydrocarbon and carbon monoxide emissions. These specifications, including performance criteria, design characteristics, instrument evaluation procedures and documentation, warranty requirements and logistics must be met or surpassed for an exhaust gas analyzer to be considered equivalent to the BAR 90 exhaust gas analyzer. Copies of the BAR 90 specifications may be obtained from the Department of Consumer Affairs, Bureau of Automotive Repair, California Vehicle Inspection Program, 3116 Bradshaw Road, Sacramento, California 95827. A fee for this document may be required.

*BAR 80*—The acronym used for the California Bureau of Automotive Repair's "Exhaust Gas Analyzer Specifications: 1979" provided in 1980 for the testing and documentation of technical specifications required for the approval of analyzer use in California for the measurement of hydrocarbon and carbon monoxide emissions.

*Bureau*—The Bureau of Motor Vehicles of the Department of Transportation of this Commonwealth.

*Business day*—Each day in which an appointed emission inspection station is open for business, excluding Sundays and selected State holidays determined by the Department.

*CO—Carbon monoxide*—A colorless, odorless gas formed by incomplete combustion of carbon, including gasoline. It is considered a mobile source pollutant.



*CO<sub>2</sub>—Carbon dioxide*—A colorless, odorless incombustible gas formed during respiration and combustion.

*Certificate of emission inspection*—A serially numbered sticker that, when affixed to the windshield of a vehicle, indicates that the vehicle has passed an emission inspection consistent with this chapter.

*Certificate of waiver*—An official Department document indicating that the requirement of passing emission reinspection has been waived for a vehicle under § 177.291 (relating to certificates of emission inspection procedures).

*Certified emission inspector*—A person who holds a valid certification card issued by the Bureau which certifies that the person is qualified and has passed the requirements to perform enhanced emission inspections on subject vehicles in an appointed emission inspection station.

*Classic motor vehicle*—A motor vehicle, but not a reproduction thereof, which displays a current classic motor vehicle registration plate issued by the Department and meets the definition provided in section 102 of the Vehicle Code.

*Commonwealth emission inspection station*—An inspection station appointed to conduct enhanced emission inspections on subject vehicles owned by and engaged exclusively in the performance of the official duties of the Federal Government, the Commonwealth or a political subdivision of the Commonwealth.

*Consumer complaint emission inspection procedure*—The method provided for consumers who wish to have the results of the emission inspection verified at an inspection facility or lane operated under contract to the Department where the verification is supervised by a Department designated official.

*Decentralized inspection*—A system for vehicle enhanced emission inspections using privately owned and operated, Department-certified facilities to provide for vehicle emission testing or allowing for repairs, or both.

*Department*—The Department of Transportation of the Commonwealth.

*EPA*—The Environmental Protection Agency.

*Emission inspection*—The testing of the exhaust emissions of a subject vehicle, while it is running, for CO, HC or NO<sub>x</sub>, as required by Department procedures.

*Emission inspection test report*—A document automatically generated by the analyzer testing device once the testing cycle is completed. This document will be reviewed by a certified emission inspector before presentation to the owner or driver of the subject vehicle and will provide emission related inspection information, including the test standards and the actual test results for the subject vehicle.

*Enhanced emission inspection program*—A vehicle emission inspection program as defined by the EPA and includes computerized emission analyzers, on-road testing and inspection of vehicle emission control devices through a decentralized inspection program.

*Federal standard*—A minimum standard of vehicle or vehicle equipment performance issued under the National Traffic and Motor Vehicle Safety Act (15 U.S.C.A. § 1381), the Motor Vehicle Information and Cost Savings Act (15 U.S.C.A. § 1901) or the Clean Air Act (42 U.S.C.A. § 1857).

*Field certified exhaust emission analyzer*—An approved exhaust emission analyzer certified by the manufacturer or distributor as being properly calibrated at the emission inspection station according to the manufacturer's specifications and Department procedures and capable of properly recording, storing and transferring test data.

*Fleet emission inspection station*—An inspection station appointed to inspect a minimum of 15 subject vehicles, space permitting, leased or owned and registered in the name of the person in whose name the certificate of appointment is issued.

*GVMR—Gross vehicle weight rating*—The value specified by the manufacturer on the Federal weight certification label as the loaded weight of a single vehicle.

*General emission inspection station*—An inspection station appointed to conduct emission inspections on subject vehicles.

*HC*—Hydrocarbon.

*Idle test*—A vehicle emission inspection test procedure for sampling exhaust emissions which requires maintaining the vehicle's engine speed in the idle range of rpms. The vehicle engine speed is set with the operational range of rpms as prescribed in 40 CFR Part 51, Subpart S, Appendix B(I) (relating to test procedures), and the exhaust gas emissions are measured within the single idle speed range.

*I/M*—Inspection/Maintenance.

*I/M area*—The geographic area which the Department has identified as an enhanced emission I/M program designated area. These areas are certified by the Secretary and published in the *Pennsylvania Bulletin*. Copies of the designations are available upon request.

*I/M indicator insert* (for safety certificate of inspection)—An insert containing an indicator in the background to be affixed to the safety certificates of inspection to indicate a requirement for an emission I/M inspection.

*I/M monthly insert* (for a certificate of emission inspection)—An insert to be affixed to the certificate of emission inspection to show the expiration date of the current emission I/M inspection.

*I/M registration indicator*—An indicator on the registration card which identifies the vehicle as a subject vehicle which shall be emission inspected annually.

*Inspection station investigator*—A person designated by the Department to investigate, inspect and supervise the operations of general, fleet, consumer complaint and Commonwealth emission inspection stations.

*Implement of husbandry*—A vehicle designed or adapted and determined by the Department to be used exclusively for agricultural operations and only incidentally operated or moved upon highways.

*Inspection area*—The area in which emission inspections shall be conducted.

*Light duty trucks*—Trucks weighing less than 6,000 pounds GVWR.

*Light duty vehicles*—Passenger cars or multi-purpose vehicles weighing less than 6,000 pounds GVWR.

*Limited fleet inspection periods*—Inspection periods in which approved fleet owners/lessors are required to emission inspect their vehicles, as specified in the Application for Fleet Stations form provided by the Department.

*NMHC—Nonmethane hydrocarbons*—A mobile source or exhaust pollutant for which the EPA has set allowable standards.

*OBD—On board diagnostic device*—monitors the performance of emission control equipment, the vehicle's fuel metering system and ignition system, and other equipment and operating parameters for the purpose of detecting malfunction or deterioration in performance that would be expected to cause a vehicle to fail emissions standards. When these problems are detected, a malfunction indicator lamp located in the dashboard of the vehicle will be illuminated.

*On-road testing device*—An exhaust gas analyzer capable of measuring vehicle exhaust gas content outside of the emission inspection station, while the vehicle is in motion on the road or at roadside.

*NO<sub>x</sub>—Oxides of nitrogen*—A mobile source or exhaust pollutant for which the EPA has set allowable standards.

*Qualified Commonwealth employe*—An individual, police officer or qualified Department employe, who has completed training in the inspection or weighing of vehicles as required by section 4704, 4981 or 8302 of the Vehicle Code (relating to inspection by police or Commonwealth personnel; weighing and measurement of vehicles; and powers and duties of department).

*Qualifying repairs*—Vehicle repairs necessary to correct the deficiencies which resulted in a vehicle's failure of the emission inspection test and which count toward the minimum dollar amount required before a waiver may be issued. For those repairs where repair or replacement of emission-related parts requires replacement of other non-emission related equipment constructed as one indivisible unit by the manufacturer, the total replacement costs or repair costs may be counted toward qualifying repairs.

*Quality assurance officer*—A person designated by the Department to investigate, inspect and supervise the operations of contractor-operated emission inspection stations and a vehicle dealer authorized to issue new vehicle emission certificates.

*Ppb*—Part per billion.

*Ppm*—Part per million.

*Rpm*—Revolution per minute.

*Recognized repair facility*—A business engaged in the diagnosis and repair of automotive engines and related systems, and one that has been issued or applied for a state sales tax identification number by the Commonwealth or another state jurisdiction.

*Recognized repair technician*—A person who has received and has proof of formal training in the diagnosis and repair of automotive engines and related systems, or holds a valid emissions certification certificate issued by the Department, or is employed by a recognized repair facility primarily for the purpose of diagnosing and repairing automotive engines and their related systems.

*Registration recall*—A formal action of the Department to withdraw, for an indefinite period, the vehicle registration of a vehicle owner or operator for failure to produce proof of correction or waiver of an on-road emission test failure.

*Residency exemption*—A document issued by the Department stating that a residency exemption application has been verified and approved, and that the vehicle listed is exempt from an emission inspection.

*Residency exemption application*—An application issued by the Department and used by a Commonwealth vehicle owner residing outside of a designated emission I/M program area to apply for an exemption from emission inspection when the owner has incorrectly received an I/M indicator on the registration card or registration renewal card.

*Secretary*—The Secretary of the Department.

*Special mobile equipment*—Vehicles not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including ditch digging apparatus; well boring apparatus; earth moving and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels and draglines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers; dump trucks; truck-mounted transit mixers, cranes or shovels; or other vehicles designed for the transportation of persons or property to which machinery has been attached.

*Street rod*—A motor vehicle, or a reproduction thereof, with a model year of 1948 or older which has been materially altered or modified by the removal, addition or substitution of essential parts and with a gross weight or registered gross weight of not more than 9,000 pounds.

*Subject emission control device*—The vehicle emission control devices, including the catalytic convertor, the fuel tank inlet restrictor and the exhaust gas recirculation (EGR) valve which are required to be inspected as part of the emission inspection program.

*Transient test*—A vehicle emission inspection test in which the vehicle is tested for exhaust emissions under conditions simulating actual on-road driving conditions. Testing equipment includes a dynamometer that permits simulation of driving and exhaust gas analyzer equipment that analyzes the exhaust gas emissions under various driving conditions.

*Two-speed test*—A vehicle emission inspection test in which the exhaust emissions are measured at two ranges of engine revolutions per minute (rpm) as prescribed in 40 CFR Part 51, Subpart S, Appendix B(II) (relating to test procedures—two speed idle test).

*Unsafe condition*—A defect, malfunction or condition which may expose an emission inspector to harm in the performance of an emission inspection of that vehicle.

*Vehicle Code*—75 Pa.C.S.

*Vehicle Control Division*—The division within the Bureau which administers vehicle equipment and inspection matters.

*Vehicle equipment standard*—A minimum standard for vehicle performance or vehicle equipment performance which meets the needs of vehicle safety, noise control or air quality control, and which is practicable and provides objective criteria.

*VIN—Vehicle identification number*—A combination of numbers or letters, or both, which the manufacturer assigns to a vehicle for identification purposes, or, if no VIN is present on the vehicle, which the Department may assign for identification and for registration purposes.

*Vehicle year*—The date of manufacture of a vehicle as specified by the VIN, or, if this number is not available or cannot be interpreted for the year, the annual production period of the vehicle as designated by the manufacturer.

### IMPLEMENTATION OF ENHANCED EMISSION INSPECTION PROGRAM

#### § 177.21. Cessation of current vehicle emission inspection program.

The vehicle emission inspection program which exists at *Pennsylvania Code* serial pps. 125257—125266, 140091—140094, 125271—125288, 153617—153620, 125291—125306, 182533 and 182554 will cease to be effective on a date designated by the Secretary by notice in the *Pennsylvania Bulletin* as provided in § 177.22 (relating to commencement date). Certificates of appointment issued to emission inspection stations in the program which exists at the *Pennsylvania Code* serial pages listed in this section will terminate on a date designated by the Secretary in the *Pennsylvania Bulletin*. Emission inspection stations in the emission inspection program which exists at the *Pennsylvania Code* serial pages listed in this section that elect not to be certified to conduct emission inspections under the enhanced emission inspection program shall submit emission inspection related material to Department personnel upon a final audit by the Department.

#### § 177.22. Commencement date.

The enhanced I/M program, as described in this chapter, will commence on a date designated by the Secretary by notice in the *Pennsylvania Bulletin*. The notice will provide affected motorists with at least 60 days notice. The Department may exercise discretion in the implementation of the enhanced I/M program with respect to phasing in the areas required to comply.

#### § 177.23. Notification of requirement for emission inspection.

The Department will notify the owner or lessee of a subject vehicle that is required to have an enhanced emission inspection test.

### ENHANCED I/M PROGRAM

#### § 177.51. Program requirements.

(a) *Network type*. Testing shall be performed through a decentralized system of privately owned and operated, Department-certified facilities.

(b) *Test-and-repair*. Emission inspection stations may conduct both testing and repairing of subject vehicles.

(c) *Annual inspection*. Subject vehicles shall be inspected annually in coordination with safety inspection according to procedures established by the Bureau. A safety inspection for a vehicle subject to an emission inspection may not be initiated until the subject vehicle has passed an emission inspection or received a waiver as provided in § 177.281 (relating to issuance of waiver). Safety inspection stations are not required to conduct emission inspections to maintain certification as safety inspection stations.

(d) *I/M areas covered*. The Department will establish areas of this Commonwealth which are subject to an emission inspection by certification of the Secretary of the need to comply with Federal law and will publish the certification as a notice in the *Pennsylvania Bulletin* listing the I/M areas.

(e) *Model year coverage*. Subject gasoline-powered motor vehicles with a model year of 1975 and newer are subject to an emission inspection.

(f) *Exhaust emission test types*. The following test types will be administered to the appropriate model years and fuel types:

(1) ASM emission testing of 1975 and newer vehicles, utilizing test equipment and procedures as specified and approved by the EPA, for vehicles registered in the following counties:

- (i) Bucks.
- (ii) Chester.
- (iii) Delaware.
- (iv) Montgomery.
- (v) Philadelphia.

(2) Idle testing of subject vehicles as described in 40 CFR Part 51, Subpart S, Appendix B (relating to test procedures), which is adopted by reference, shall be required for vehicles registered in the remaining counties required to undergo emission inspection.

(g) *Emission test procedures and standards*. Emission test procedures and standards shall be consistent with §§ 177.201—177.205 (relating to general).

(h) *Exhaust emission test equipment*. Exhaust emission test equipment requirements shall be consistent with §§ 177.201—177.205.

(i) *On-road testing*. The Department will conduct on road testing of subject vehicles as authorized in section 4704(a)(4) of the Vehicle Code (relating to inspection by police or Commonwealth personnel). Drivers of vehicles shall permit the testing of their vehicles by authorized personnel.

(j) *Recall*. The owner of a vehicle for which a voluntary or mandatory manufacturer's emission-related recall notice was issued after 6 months after the commencement of an enhanced I/M program in the affected county shall have the necessary repairs completed prior to presenting the vehicle for emission inspection as a prerequisite to begin the emission inspection process.

(k) *Subsequent approval by the EPA of emission test equipment, test procedures or report requirements*. If the EPA develops or approves other emission test equipment, test procedures or report requirements, the Department may adopt the subsequently approved equipment, procedures or reports consistent with section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).

(l) (Reserved).

#### § 177.52. Emission inspection prerequisites.

The following prerequisites shall be accomplished by the vehicle owner or driver prior to the performance of the emission inspection:

(1) The vehicle owner or driver shall present the vehicle registration card to the emission inspection station and pay the required test fee to the inspection station. This fee shall also include one free retest, if the vehicle owner or driver complies with the retest requirements as provided in §§ 177.271—177.274 (relating to retest).

(2) If a subject vehicle is presented for an initial emission inspection after the assigned emission inspection period, the vehicle owner or driver shall be charged a \$10 late fee for each month or portion thereof past the assigned emission inspection period in addition to the emission inspection fee. This late fee will be collected by the emission inspection station and shall be remitted to the Department.

(3) The Department may waive the collection of late fees for failure to comply in a timely manner with the

emission inspection period for any month up to 4 months after the assigned emission inspection period. The Department will not assess a late fee if the registrant can demonstrate that the subject vehicle was not operated after the vehicle registration expired or after the assigned vehicle emission inspection period. The accumulated late fees will not exceed \$40.

(4) The inspection station shall check to determine whether an applicable emission-related manufacturer recall notice was issued for the subject vehicle.

(5) If a subject vehicle was targeted for a voluntary or mandatory manufacturer's applicable emission recall notice, the vehicle owner or operator shall present proof of compliance with the recall notice to the emission inspection station before the enhanced emission inspection begins.

#### § 177.53. Vehicle inspection process.

The vehicle inspection process shall be as follows:

(1) If a subject vehicle passes the enhanced emission inspection requirements, the emission inspection station shall provide the vehicle owner or driver with an emission inspection test report certifying that the vehicle has passed the emission inspection.

(2) If a subject vehicle fails any phase of the enhanced emission inspection requirements, the emission inspection station shall provide the vehicle owner or operator with an emission inspection test report indicating which phases of the emission inspection that the vehicle failed.

(3) If a subject vehicle fails any phase of the enhanced emission inspection, the vehicle owner shall have the vehicle repaired and submit the vehicle for retesting.

(4) If the subject vehicle fails the retest, the vehicle owner can apply for a waiver. If the waiver requirements as prescribed in §§ 177.281 and 177.282 (relating to issuance of waiver; and annual adjustment of minimum waiver expenditure) are met, a waiver will be issued.

(5) An emission inspector will place a certificate of emission inspection on the windshield of the subject vehicle, as prescribed in § 177.291 (relating to certificates of emission inspection procedures), which has passed the emission requirements or received a waiver.

#### Subchapter B. SUBJECT VEHICLES

Sec.

- 177.101. Subject vehicles.
- 177.102. Inspection of vehicles reentering this Commonwealth.
- 177.103. New or used vehicles after sale or resale.
- 177.104. Vehicles registered in non-designated areas or other states.
- 177.105. Vehicles requiring emission inspection due to change of Address.
- 177.106. Inspection of vehicles registered in this Commonwealth but operated outside this Commonwealth.
- 177.107. Repair technician training.

#### § 177.101. Subject vehicles.

(a) *Subject vehicles.* Subject vehicles include gasoline powered 1975 and newer model year vehicles with a GVWR of 9,000 pounds or less which are:

(1) Registered in or required to be registered in an I/M area.

(2) Leased vehicles with registration or titling in the name of someone other than the lessee or user where the motor vehicle is registered or required to be registered in an I/M area.

(3) Operated on Federal installations located within an I/M area, regardless of where the vehicles are registered. This requirement applies to employe-owned or leased

vehicles, including vehicles owned, leased or operated by civilian and military personnel on Federal installations, as well as agency-owned or operated vehicles. Vehicles exempted from this requirement are:

(i) Tactical military vehicles.

(ii) Visiting agency, employe or military personnel vehicles as long as the visits do not exceed 60 calendar days per calendar year.

(b) *Documentation of compliance.* The Federal installation shall provide annually, or as requested, documentation of proof of compliance with subsection (a)(3) to the Department. This documentation shall be updated periodically, but at least in each inspection cycle. The installation shall present a valid certificate of compliance with the I/M program of the Commonwealth or an I/M program deemed acceptable to the Department, for each vehicle.

(c) *Other exempted vehicles.* Other exempted vehicles shall include vehicles operated or registered as one of the following:

(1) Special mobile equipment.

(2) Implements of husbandry.

(3) Motor vehicles being towed.

(4) Classic or antique motor vehicles.

(5) Motorcycles.

(6) Motorized pedalcycles.

(7) Street rods.

(8) Vehicles repossessed by a financier or collector through the use of miscellaneous motor vehicle business registration plates.

#### § 177.102. Inspection of vehicles reentering this Commonwealth.

Vehicles subject to emission inspection which have been outside of this Commonwealth continuously for 30 days or more and which, at the time of reentering this Commonwealth, do not bear a currently valid certificate of emission inspection are not required to be inspected until 10 days after reentering this Commonwealth.

#### § 177.103. New or used vehicles after sale or resale.

(a) A new or used vehicle, after sale or resale, may be driven without a current inspection certificate for 10 days after the date of sale or resale or entry into this Commonwealth, whichever occurs later. The purchaser of the vehicle, unless contracted otherwise, assumes full responsibility for having the vehicle inspected.

(b) New or used vehicles, acquired after sale or resale, bearing a currently valid certificate of emission inspection may be driven on Commonwealth highways until the certificate of emission inspection expires.

#### § 177.104. Vehicles registered in nondesignated areas or other states.

A vehicle registered outside a designated area or another state may be inspected for emissions but may not be issued a certificate of emission inspection unless the certificate is specifically requested by a vehicle owner.

#### § 177.105. Vehicles requiring emission inspection due to change of address.

Subject vehicles required to participate in the Enhanced Emission I/M Program because of vehicle registration change of address shall be phased into the emission

inspection program during the time of the expiration of the current certificate of safety inspection.

**§ 177.106. Inspection of vehicles registered in this Commonwealth but operated outside this Commonwealth.**

For subject vehicles registered in this Commonwealth, but operated outside this Commonwealth or not present in this Commonwealth at the time of expiration of the subject vehicle's emission inspection, proof of inspection from another state may be accepted if the Department determines that the I/M program in that state is comparable to the Commonwealth's I/M program.

**§ 177.107. Repair technician training.**

(a) *Voluntary technician training program.* The Department will establish a voluntary repair technician training program through private or public facilities. The training may include:

- (1) Diagnosis and repair of malfunctions in computer controlled close-loop vehicles.
- (2) Application of emission control theory and diagnostic data to the diagnosis and repair of failures of the transient emission test and the evaporative system function tests.
- (3) Utilization of diagnostic information on systematic or repeated failures observed in the transient emission test and the evaporative system function tests.
- (4) Generalized training on the various subsystems related to emission control.

(b) *Completion of training program.* A person who successfully completes all phases of the training program and who passes the required testing will qualify as a recognized repair technician.

(c) *Supplemental training.* The Department may authorize periodic supplemental training as a requirement for a person to maintain the status of a recognized repair technician.

**Subchapter C. EMISSION TEST PROCEDURES AND EMISSION STANDARDS**

**GENERAL**

- Sec.  
 177.201. General requirements.  
 177.202. Emission test equipment.  
 177.203. Test procedures.  
 177.204. Emission standards.  
 177.205. (Reserved).

**RECALL PROVISIONS**

- 177.231. Requirements regarding manufacturer recall notices.  
 177.232. Compliance with recall notices.  
 177.233. Failure to comply.

**EMISSION INSPECTION TEST REPORT**

- 177.251. Record of test results.  
 177.252. Emission inspection test report.  
 177.253. Responsibility of the station owner for vehicles which fail the I/M test.

**RETEST**

- 177.271. Procedure.  
 177.272. Prerequisites.  
 177.273. Content of repair data form.  
 177.274. Retest fees.

**ISSUANCE OF WAIVER**

- 177.281. Issuance of waiver.  
 177.282. Annual adjustment of minimum waiver expenditure.  
 177.283. (Reserved).

**CERTIFICATES OF EMISSION INSPECTION PROCEDURES.**

- 177.291. Certificates of emission inspection procedures.  
 177.292. Recording inspection.

**ON-ROAD TESTING**

- 177.301. Authorization to conduct on-road emission testing.  
 177.302. On-road testing devices.  
 177.303. (Reserved).  
 177.304. Failure of on-road emission test.  
 177.305. Failure to produce proof of correction of on-road emission test failure.

**GENERAL**

**§ 177.201. General requirements.**

Emission tests and functional tests shall be subject to the following requirements:

- (1) Vehicles shall be tested in as-received condition. A vehicle capable of operating on gasoline and other fuel is subject to testing and shall be tested while operating in the gasoline mode.
- (2) An initial test is the emission test that occurs the first time in a test cycle. The initial test shall be performed without prior repair or adjustment to the subject vehicle at the emission inspection station, except as provided for in the evaporative system integrity test. An emission inspection performed after the initial test in a test cycle shall be considered a retest.
- (3) An official test, once initiated, shall be performed in its entirety regardless of immediate outcome except in the case of an invalid test condition, unsafe conditions or fast pass/fail algorithms.

(4) Tests involving measurements shall be performed with approved equipment that has been calibrated according to the quality control procedures contained in 40 CFR Part 51, Subpart S, Appendix A (relating to calibrations, adjustments and quality control), which is adopted by reference.

(5) Vehicles may not be tested if the exhaust system is missing or leaking, or if the vehicle is in an unsafe condition.

(6) Alteration of a vehicle's configuration so that it changes from a certified to a noncertified configuration is prohibited. In the inspection process, vehicles that have been altered from their original certified configuration shall be tested in the same manner as other subject vehicles, in accordance with the following:

- (i) Vehicles with engines other than the engine originally installed by the manufacturer, or an identical replacement engine shall be subject to the test procedures and standards for the chassis type and model year, including visual equipment inspections for components that are part of the original certified configuration and part of the normal inspection.
- (ii) Vehicles that have been altered from an engine of one fuel type to another fuel type that is subject to the I/M program—for example, from a diesel engine to a gasoline engine—shall be subject to the test procedures and standards for the current fuel type, and to the requirements of subparagraph (i).

(iii) Vehicles that are altered to a fuel type for which there is no certified configuration shall be tested according to the most stringent emission standards established for that vehicle type and model year. Emission control device requirements may be waived if the Department determines that the alternatively fueled vehicle configuration would meet the new vehicle standards for that model year without these devices.

**§ 177.202. Emission test equipment.**

(a) *Performance features of emission test equipment.* Computerized test systems are required for performing

any measurement on subject vehicles. The test equipment shall be certified to meet EPA requirements, including those contained in 40 CFR Part 51, Subchapter S, Appendix D (relating to steady-state short test equipment), which is adopted by reference. Newly acquired systems shall be subjected to acceptance test procedures to ensure compliance with program specifications.

(1) Emission test equipment shall be capable of testing subject vehicles and shall be updated as needed to accommodate new technology vehicles as well as changes to the program.

(2) At a minimum, emission test equipment shall be:

(i) Automated to the highest degree commercially available to minimize the potential for intentional fraud or human error, or both.

(ii) Secure from tampering or abuse, or both.

(iii) Based upon written specifications.

(iv) Capable of simultaneously sampling dual exhaust vehicles.

(b) *Functional characteristics of computerized test systems.* The test system is composed of emission measurement devices and other motor vehicle test equipment controlled by a computer.

(1) The test system shall automatically:

(i) Make pass/fail decisions for all measurements.

(ii) Record test data to an electronic medium.

(iii) Conduct regular self-testing of recording accuracy.

(iv) Perform electrical calibration and system integrity checks before each test, as applicable.

(v) Initiate system lockouts for:

(A) Tampering with security aspects of the test system.

(B) Failing to conduct or pass periodic calibration or leak checks.

(C) Failing to conduct or pass the constant volume sampler flow rate check, if applicable.

(D) Failing to conduct or pass one or more of the dynamometer checks, including coast-down, roll speed and roll distance, power absorption capability and inertia weight selection checks, if applicable.

(E) Failing to conduct or pass the pressure monitoring device check, if applicable.

(F) Failing to conduct or pass the purge flow metering system check, if applicable.

(G) Failing to have installed in the test analyzer a full data recording medium or one that passes a cyclical redundancy check.

(2) Test systems shall include a data link to the Department computer or other computers as specified by the Department.

(3) The test system shall insure accurate data collection by limiting, cross-checking or confirming manual data entry.

(c) *Test systems for transient emission tests.* Test equipment for transient emission testing shall be as specified in Federal regulation at 40 CFR, Part 85 (relating to control of air pollution from motor vehicles and motor vehicle engines), which is adopted by reference.

(d) *Steady state idle test equipment.* Steady state idle test equipment requirements for model years 1968—1981

shall be as specified in 40 CFR Part 51, Subpart S, Appendix D which is adopted by reference.

(e) *Two-speed idle test equipment.* Two-speed idle test equipment shall be as specified in 40 CFR Part 51, Subpart S, Appendix D which is adopted by reference.

#### § 177.203. Test procedures.

The Department has approved the following test procedures:

(1) *Idle testing.* Idle tests of all model year subject vehicles shall be performed in accordance with the procedures specified in 40 CFR Part 51, Subchapter S, Appendix B(I) (relating to test procedures—idle tests) which is adopted by reference. The following steps shall be taken when testing subject vehicles, except 1981 and later Ford Motor Company vehicles:

(i) Emission test data shall be entered into the analyzer by a certified emission inspection inspector using the alpha-numeric keyboard in the sequence specified.

(ii) The digital engine tachometer of the analyzer shall be connected to the subject vehicle engine being tested by means of an inductive pickup.

(iii) The engine shall be at normal operating temperature, not overheating, and with all accessories off.

(iv) The analyzer shall be warmed-up in proper operating condition, and the tachometer pickup shall be attached.

(v) With the motor vehicle in park or neutral gear and wheel chocks in place and the emergency brake secured, accelerate the engine to revolutions per minute, plus or minus 300 revolutions per minute, for seconds. Release the accelerator and allow the engine to return to idle.

(vi) With the engine operating at idle, insert the sample probe of the emission analyzer into the vehicle's exhaust pipe. The probe tip shall be inserted at least 12 inches into the tailpipe, or, in the case of a restriction, a device shall be added to prohibit test sample dilution. If multiple tailpipes are present, hardware which is capable of simultaneously sampling both sources shall be used. No simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(vii) Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. These results shall be compared by vehicle model year as shown in § 177.204 (relating to emission standards).

(viii) Subject motor vehicles having engines replaced shall be emission inspected by standards corresponding to the model year of the engine.

(ix) For purposes of determining truck test standards, the greater of the registered gross weight or manufacturer's GVWR shall be used.

(2) *Restart idle mode test.* For 1981 and later Ford Motor Company vehicles, follow the same sequence as required in the idle mode test in paragraph (1), but add the following requirement between the steps set forth in paragraph (1)(v) and (vi). The engine shall be turned off and then restarted. After the completion of the 30 second/2500 rpm cycle in paragraph (1)(vi), the inspector shall immediately insert the sample probe into the tailpipe and immediately proceed with the completion of the emission test.

(3) *ASM test.* The ASM test of 1975 and newer model year subject vehicles shall be performed in accordance

with the procedures contained in 40 CFR Part 85 which is adopted by reference. The ASM test procedure, including algorithms and other procedural details, shall be approved by the EPA prior to use in the I/M program of the Commonwealth. Special test algorithms and pass/fail algorithms may be employed to reduce test time when the test outcome is predictable with near certainty, if approved by the EPA.

(4) *Subsequent test procedures approved by the EPA.* If the EPA develops other test procedures, including test procedures prescribed in this section, the Department may adopt these subsequently approved test procedures consistent with section 4706(e) of the Vehicle Code (relating to prohibition on expenditures for emission inspection program).

**§ 177.204. Emission standards.**

Subject vehicles shall be rejected if they exceed the following standards:

(1) *Idle test standards.*

(i) Passenger Cars and Trucks less than 6,000 pounds GVWR.

Model Year	CO%	HC (ppm)
1975—1979	4.0	400
1980	3.0	300
1981—1985	1.2	220

(ii) Trucks 6,000 pounds through 9,000 pounds GVWR.

Model Year	CO%	HC (ppm)
1975—1978	6.0	650
1979	4.0	400
1980	3.0	300
1981—1985	1.2	220

(iii) Maximum exhaust dilution shall be measured as at least 6% CO plus CO<sub>2</sub> on vehicles subject to a steady-state test as described in 40 CFR Part 51, Subpart S, Appendix B (relating to test procedures), which is adopted by reference.

(2) *ASM test emission standards.*

Model Year	HC (gpm)	CO (gpm)	NO <sub>x</sub> (gpm)
1977-79			
1980			
1981-82			
1983 and newer			

**§ 177.205. (Reserved).**

**RECALL PROVISIONS**

**§ 177.231. Requirements regarding manufacturer recall notices.**

Owners or lessees of vehicles for which voluntary or mandatory manufacturer emission-related recall notices have been issued, shall have the necessary repairs completed prior to submitting the vehicle for emission testing and shall present proof of compliance with the recall notice at the time of emission inspection. This is required to complete the emission inspection process.

**§ 177.232. Compliance with recall notices.**

Owners or lessees of subject vehicles for which the vehicle manufacturer has issued a recall notice more than 3 months prior to the beginning of the emission inspection period shall show proof of compliance with the recall notice prior to commencement of the emission inspection.

**§ 177.233. Failure to comply.**

Failure to comply with the requirements of this section and §§ 177.231 and 177.232 (relating to requirements regarding manufacturer recall notices; and compliance with recall notices) shall be considered grounds to refuse to initiate an emission inspection.

**EMISSION INSPECTION TEST REPORT**

**§ 177.251. Record of test results.**

The station shall provide the vehicle owner or driver with a computer-generated emission inspection test report.

**§ 177.252. Emission inspection test report.**

The emission inspection test report shall include:

- (1) A vehicle description, including license plate number, vehicle title number, VIN, vehicle make and model and odometer reading.
- (2) The date and time of the test.
- (3) The name or identification number of the individuals performing the tests and the location of the test station and lane number.
- (4) The type of tests performed.
- (5) The applicable test standards.
- (6) The test results, including exhaust concentrations and pass/fail results for each mode measured.
- (7) A statement indicating the availability of warranty coverage as required in section 207 of the Clean Air Act (42 U.S.C.A. § 7525).
- (8) The results of the recall provisions check, if applicable, including the recall campaign number and date the recall repairs were completed.
- (9) A certification that tests were performed in accordance with this chapter.

**§ 177.253. Responsibility of the station owner for vehicles which fail the I/M test.**

Owners or operators of vehicles that fail the I/M test shall be provided with an emission inspection test report as described in § 177.252 (relating to emission inspection test report) as well as the consumer complaint procedure, including the telephone number of the quality assurance officer or the Vehicle Control Division. A challenge regarding the performance or results of the test shall be made within 10 days of the failure of the emission inspection.

**RETEST**

**§ 177.271. Procedure.**

Vehicles that fail the initial test or a retest shall be retested after repair to determine if the repairs were effective for any portion of the inspection that was failed on the previous test. To the extent that repair to correct a previous failure could lead to failure of another portion of the test, that portion shall also be retested.

**§ 177.272. Prerequisites.**

For a retest, the vehicle owner or driver shall present to the inspection station the emission inspection test report and the repair data form as described in § 177.273 (relating to content of repair data form). If the repairs were performed by the owner or someone other than a recognized repair technician, the repair data form shall be completed. If the repairs were performed at a recognized repair facility, the repair data form completed by the repair facility shall be presented to the emission inspection station.

**§ 177.273. Content of repair data form.**

The repair data form shall include the following:

- (1) The repairs performed.
- (2) The cost of repairs.
- (3) The repair technician's number or name if the person who made the repairs does not have a Department issued technician number.
- (4) The repairs recommended by the repair facility that were not performed.
- (5) The name, address and telephone number of the repair facility.

**§ 177.274. Retest fees.**

If the vehicle owner or driver presents the emission inspection test report and the completed repair form to the emission inspection station within 30 calendar days of the initial emission inspection, the vehicle owner or driver shall receive one free retest. Retests after the 30-day period or retests performed after the free retest shall only be performed upon payment of the emission inspection test fee to the emission inspection station.

**ISSUANCE OF WAIVER****§ 177.281. Issuance of waiver.**

The emission inspection station shall issue a certificate of emission inspection with an indicator to show that the vehicle has received a waiver if:

(1) The subject vehicle has failed the initial emission inspection, qualifying repairs have been completed and the subject vehicle has failed the retest.

(2) Emission control devices, as originally equipped, are installed. Vehicles with emission devices which are obsolete and cannot be obtained through the original equipment manufacturer, aftermarket manufacturers or suppliers of used parts are exempt from this paragraph. Specific reporting requirements shall be completed and maintained as specified by the Department.

(3) The amount spent on qualifying repairs shall:

(i) Be at least \$150 for the 2-year period after commencement of the program in the affected area, and which thereafter shall be subject to annual adjustment as described in § 177.282 (relating to annual adjustment of minimum waiver expenditure).

(ii) Include parts costs and labor costs paid for qualifying emission repair services performed on the vehicle if paid by the vehicle owner and if the qualifying repairs were performed by a recognized repair technician. For qualifying emission repair services performed by someone other than a recognized repair technician, the cost of parts but not labor utilized by nonrepair technicians may apply toward the waiver limit. The cost of parts for the repair or replacement for the following emission control components may be applied: oxygen sensor; catalytic convertor; thermal reactor; EGR valve; fuel filler cap; evaporative canister; PCV valve; air pump; distributor; ignition wires; coil; and spark plugs. The cost of hoses, gaskets, belts, clamps, brackets or other accessories directly associated with these components may also be applied to the waiver limit. These repairs shall have been performed no more than 60 days prior to the initial emission inspection test.

(iii) Be considered qualifying if they are appropriate to the cause of the test failure.

(iv) Exclude expenses which are incurred in the repair of emission control devices which are:

- (A) Found to be tampered with.
- (B) Rendered inoperative.
- (C) Not installed.

(v) Exclude costs recoverable under an emission warranty, insurance policy or prepaid maintenance agreement. These recoverable cost repairs shall be used before necessary repair costs can be applied toward the waiver cost limitations. The operator of a vehicle within the statutory age and mileage coverage under section 207(b) of the Clean Air Act (42 U.S.C.A. § 7525(b)) shall present a written denial of warranty coverage from the manufacturer or authorized dealer for this provision to be waived.

(vi) Exclude the fee for emission inspection.

(vii) Exclude charges for giving a written estimate of needed repairs.

(viii) Exclude charges for checking for the presence of emission control devices.

(4) The vehicle owner or driver shall present the original of repair bills or receipts for parts to the inspection station to demonstrate compliance with the qualifying dollar amount for that year. The bills shall:

(i) Include the name, address and telephone number of the repair facility.

(ii) Describe the repairs that were performed.

(iii) State the labor or parts costs, or both, for each repair.

(iv) State on the written estimate the general problem, the necessary major parts replacement items and the total necessary repair and labor costs which would exceed the total cost limitations.

(5) Upon completion of waiver requirements and a visual check to determine that repairs were actually made, a certificate of emission inspection with a waiver indicator shall be affixed to the subject vehicle.

(6) Vehicles subject to a transient emission test may be issued a certificate of emission inspection with a waiver indicator without meeting the emission test standards of § 177.204 (relating to emission standards) if, after failing an emission retest, a complete, documented physical and functional diagnosis and inspection performed by emission inspection station personnel shows that no additional emission-related repairs are needed.

**§ 177.282. Annual adjustment of minimum waiver expenditure.**

The minimum expenditure for the first 2 years after commencement of the program in an affected area is \$150. Beginning with the 3rd year of the program in an affected area, an expenditure of at least \$450 shall be required to qualify for a waiver. The \$450 expenditure shall be adjusted annually in January of each year by the percentage, if any, by which the Consumer Price Index for the preceding calendar year differs from the Consumer Price Index for 1989. The procedure for using the Consumer Price Index for determining the minimum waiver expenditure shall be as follows:

(1) The Consumer Price Index for a calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.



(2) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

**§ 177.283. (Reserved).**

**CERTIFICATES OF EMISSION INSPECTION PROCEDURES**

**§ 177.291. Certificates of emission inspection procedures.**

(a) *Certificates issued.* The Department will issue a certificate of emission inspection, through an official emission inspection station, valid until the next scheduled emission inspection, for a subject motor vehicle which meets one of the following:

(1) The motor vehicle has passed an inspection or reinspection performed by the emission inspection station.

(2) The motor vehicle has all required emission control devices installed under § 177.281 (relating to issuance of waiver).

(b) *Certification procedures.*

(1) Motor vehicles inspected under safety inspection regulations existing on \_\_\_\_\_ (the blank refers to the effective date of adoption of this proposal) shall have their registration card checked by the examining inspector for an I/M designated code printed on the registration card.

(2) A registration card containing the designation I/M shall indicate that the vehicles shall be emission inspected. This shall include school buses 9,000 pounds or less GVWR and other buses with a seating capacity of 26 seats or less with a GVWR of 9,000 pounds or less.

(3) A motor vehicle with a registration card containing the designation "emission inspection required" shall have a specified I/M indicator insert placed on the proper certificate of safety inspection and affixed to the windshield upon passing safety inspection.

(4) A subject vehicle shall be required to undergo an annual emission inspection and, with the exception of vehicles which receive a waiver under § 177.281 (relating to issuance of waiver) may not exceed the emission standards specified in § 177.204 (relating to emission standards). Upon compliance or issuance of a Certificate of Waiver an emission inspection sticker shall be affixed to the immediate right (when viewed from the driver's position) of the safety inspection sticker or, in the case where a truck weight class sticker is present, to the immediate right (when viewed from the driver's position) of the truck weight class sticker.

(5) If the vehicle fails the emission inspection, no certificate of emission inspection may be issued except under § 177.281.

(6) A motor vehicle bearing a specified safety inspection sticker with an I/M Indicator Insert which does not have a currently valid emission inspection sticker affixed to the windshield shall be in violation of section 4703 of the Vehicle Code (relating to operation of vehicle without official certificate of inspection) and shall be subject to the penalties and fines provided in the Vehicle Code.

(c) *Faulty inspection.* Any deviation or change in the procedure specified in this section shall be considered a faulty inspection and the certificate of emission inspection shall be void.

(d) *Unauthorized display of certificate of emission inspection.* A certificate of emission inspection may not be marked and affixed to a vehicle until it has successfully passed emission inspection requirements of Chapters 45

and 47 of the Vehicle Code (relating to other required equipment; and inspection of vehicles) and this chapter.

(e) *Required information.* The required information on the rear of the certificate of emission inspection shall be completed in permanent ink.

(f) *Inspection cycle.* The proper I/M monthly insert for certificate of emission inspection shall be coordinated with the vehicle safety inspection. Vehicles which are emission inspected shall receive an inspection for no more than 15 months and no less than 3 months, based on the vehicle's registration month and charts supplied by the Department.

(g) *Affixing certificate.* The certificate of emission inspection shall be affixed to the vehicle only at the premises of the official emission inspection station and on a portion of the premises located within 100 feet and on the same side of the street as the official emission inspection station. Certificates of emission inspection may not be issued or affixed at any other area or location.

(1) The surface on which the sticker is to be attached shall be wiped dry and clean of road film, grease or moisture for proper adhesion. The following instructions apply:

(i) Clean the glass thoroughly.

(ii) Remove the protective slip sheet from adhesive side of sticker.

(iii) Place the proper monthly indicator insert in the appropriate position so that month and year of expiration are visible to oncoming traffic.

(iv) Position the sticker carefully to the immediate right (when viewed from the driver's position) of the current certificate of safety inspection or, where a truck weight class sticker is present, to the immediate right (when viewed from the driver's position) of the truck weight class sticker. Press firmly until tightly affixed to windshield.

(2) It shall be the responsibility of the certified emission inspector to affix the certificate of emission inspection. Only the certified emission inspector who performed the entire emission inspection shall affix the certificate of emission inspection to the vehicle.

(h) *Faulty inspection.* A deviation or change in the procedure specified in this section shall be considered a faulty inspection and the certificate of emission inspection issued as a result shall be void.

(i) *Unauthorized display of certificate of emission inspection.* A certificate of emission inspection may not be marked and affixed to a vehicle until the vehicle has successfully passed an emission inspection meeting the emission requirements of Chapters 45 and 47 of the Vehicle Code and this chapter.

(j) *Data entry errors.* If a data entry error occurs, the error and the error correction shall be clearly noted on the computerized record of inspection.

(k) *Voided certificates of emission inspection.* If it is necessary to void a certificate of emission inspection, the certificate number and the reason shall be clearly noted on the computerized record of inspection.

**§ 177.292. Recording inspection.**

(a) *Fraudulent recording.* Fraudulent recording of required data or other forms and cards will be considered cause for suspension of inspection privileges.

(b) *Proper forms.* The emission inspection inspector shall enter required data into the emission analyzer and record required information on the proper and applicable report forms and place his signature in the appropriate columns designated. This shall be done immediately following the emission inspection.

(c) *Certificate of waiver.* A Certificate of Waiver Form shall be completed and maintained at the emission inspection station for every emission certificate of waiver issued. Information required on the form shall be completed and shall correspond exactly to the subject vehicle for which the waiver was issued. A large "W" shall be written, in blue or black permanent ink only, on the back of each emission certificate of inspection issued through the waiver process. The certificate of waiver form may be collected by the Department on an unannounced periodic basis.

(d) *Content.* Report sheets shall be neat and legible and contain the correct inspection number and date.

(e) *Nonrelated items.* Gas, oil or other nonrelated items may not be included in the total charges for emission inspection.

(f) *Supply.* A supply of report sheets and other emission forms may be obtained from the Vehicle Control Division.

#### ON-ROAD TESTING

##### § 177.301. Authorization to conduct on-road emission testing.

The Department will conduct on-road testing of subject vehicles as authorized in section 4704(a)(4) of the Vehicle Code (relating to inspection by police or Commonwealth personnel).

##### § 177.302. On-road testing devices.

Testing may include the use of remote sensing devices or systematic roadside checks using tailpipe exhaust testing devices.

##### § 177.303. (Reserved)

##### § 177.304. Failure of on-road emission test.

The owner or operator of a subject vehicle that was required to have an enhanced emission inspection and that fails an on-road emission test shall have 30 days following notice of the failure in which to have the failed vehicle pass an enhanced emission inspection or to produce evidence that the subject vehicle has a valid emissions test waiver.

##### § 177.305. Failure to produce proof of correction of on-road emission test failure.

If the owner of a subject vehicle fails to produce, within 30 days following notice of the failure of an on-road test, evidence that the vehicle has passed an emission inspection or evidence that the vehicle has a valid emissions inspection test waiver, the Department will recall the vehicle's registration. The vehicle may not be driven on the roads of this Commonwealth except as permitted under section 4703(b)(11) of the Vehicle Code (relating to operation of vehicle without official certificate of inspection).

#### Subchapter D. OFFICIAL EMISSION INSPECTION STATION REQUIREMENTS

##### GENERAL

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##### OBLIGATIONS AND RESPONSIBILITIES OF STATION OWNERS/AGENTS

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##### QUALITY ASSURANCE

- 177.431. Quality assurance.

##### § 177.401. Appointment.

(a) *Authority.* For the purpose of establishing a system of official enhanced emission inspection stations, the Bureau will issue certificates of appointment to facilities within this Commonwealth that comply with the Vehicle Code and this title. Official enhanced emission inspection stations are authorized to conduct enhanced emission inspections and issue official certificates of enhanced emission inspection.

(b) *Certificate of appointment.* The certificate of appointment for emission inspection stations will be issued only when the Bureau is satisfied that the station is properly equipped and employs certified enhanced emission inspectors to perform enhanced emission inspections. Only those stations fulfilling Department requirements and complying with this chapter will be issued an emission certificate of appointment. Prior involvement with a suspended inspection station may be sufficient cause to deny appointment. The emission certificate of appointment shall be conspicuously displayed at the place for which issued, in accordance with section 4722 (relating to certificate of appointment).

(c) *Certificate not assignable.* A certificate of appointment for an emission inspection station may not be assigned or transferred to another person, business entity or location and shall be valid only for the person or business entity in whose name it is issued and for transaction of business at the place designated therein.

(d) *Valid certificate required.* No person may represent any place as an official emission inspection station unless the station is operating under a valid certificate of appointment issued by the Bureau.

(e) *Inspection stations with common access.* An emission certificate of appointment will not be issued for operation of an official emission inspection station on a part of the premises of another official emission inspection station which utilizes the same access. This subsection does not apply where the inspection stations have separate internal accesses, though sharing a common external access.

(f) *Suspended inspection stations.* An emission certificate of appointment will not be issued for operation of an official emission inspection station on a part of the premises of an official emission inspection station which has been suspended if the owner of the suspended station continues to conduct any type of business which utilizes the same access. This subsection does not apply where the station and the other business each have a separate internal access, though sharing a common external access.

(g) (Reserved)

**§ 177.402. Application.**

(a) *Form.* The applicant shall file one copy of the Official Emission Inspection Station Update/Official Emission Inspection Station Application, with the Bureau. A separate application shall be made for each place of business.

(b) *Bond or proof of insurance.*

(1) An applicant for a certificate of appointment shall furnish a bond, on a form prescribed by the Department, or proof of insurance as required by section 4722(c) of the Vehicle Code (relating to certificate of appointment).

(2) The bond or insurance shall be in the amount of \$10,000 for each place of business and shall provide compensation to a vehicle owner for damage the vehicle may sustain while it is in the possession of the emission inspection station.

(3) The bond or insurance shall be renewed each year.

(4) Cancellation of the bond or insurance shall automatically void the certificate of appointment. Inspections shall cease until the Bureau receives a new bond or proof of insurance.

(c) *Specification of type.* The application shall indicate the type of emission inspection station authorization applied for, that is, Commonwealth, general or fleet.

(d) *Applicant.* The applicant shall be the owner of the business or, in the case of a corporation, some other person specifically authorized to sign the application:

(1) If a natural person, the applicant shall be at least 18 years of age or older.

(2) If the applicant is a corporation, co-partnership or association, the application shall be signed by an officer, partner or associate, or some other person specifically authorized to sign the application.

(i) The person who signs the application shall be 18 years of age or older.

(ii) Except in the case of an executive officer, partner or associate, written evidence of the authority of the person to sign the application shall be attached to the application and attested to by a partner, or corporation or association officer.

**§ 177.403. Approval of emission inspection station.**

(a) *Investigation.* An inspection station investigator will conduct an investigation of each applicant to determine full compliance with Chapter 47 of the Vehicle Code (relating to inspection of vehicles) and this chapter.

(b) *English comprehension.* The applicant and each certified emission inspector shall be sufficiently versed in the English language to understand the Vehicle Code and this chapter.

(c) *Issuance and display of certificate.* Upon approval of the application by the Bureau, a certificate of appointment will be issued to the applicant for the place of business within this Commonwealth as set forth in the application. Emissions inspections may not be performed unless a certificate of appointment has been issued to and is prominently displayed at the officially designated station.

**§ 177.404. Required certificates and station signs.**

After appointment the owner of an emission inspection station shall prominently display the following:

(1) A certificate of appointment for each type of emission inspection station approved for the location.

(2) A sign clearly stating the fee for inspection, that the fee is the same whether the vehicle passes or fails, that the fee for inspection includes the cost of labor for the inspection, but not the cost of parts, repairs and adjustments, and that no additional charge shall be made by the inspecting station for one necessary reinspection within 30 days of the original inspection. Fleet and Commonwealth stations are exempt from this paragraph.

(3) The current list of certified emission inspectors.

(4) An approved official emission inspection sign outside of the garage that is clearly visible to the public. This sign shall have a keystone design which is at least 24 inches high and 21 inches wide. The background shall be navy blue with gold lettering. The station number plate shall be at least 3 inches high and at least 13 inches wide. The background shall be green with white station numbers. If a keystone designated sign is already present, the station number shall be placed below present plates. If hung from a bracket, the sign shall be double faced. Fleet, consumer complaint and Commonwealth emission inspection stations are exempt from this paragraph.

(5) A sign clearly providing the location and telephone number of the quality assurance officer or the Vehicle Control Division.

**§ 177.405. Emission inspection areas.**

(a) *General provisions.*

(1) Enhanced emission inspections shall be conducted within approved enclosed or outside inspection areas that are safe, sound, well ventilated, and in good repair and condition.

(i) Emission inspections shall be conducted within an approved enclosed building when outside temperatures are below 35°F or above 110°F or relative humidity exceeds 85%, or when it is precipitating.

(ii) Emission inspections may be conducted in an approved area outside an enclosed building when outside temperatures are between 35°F and 110°F with from 0 to 85% relative humidity and if there is no precipitation. The analyzer shall remain within the approved enclosed building at all times, but the probe and exhaust gas hose may be extended outside to the vehicle being inspected.

(2) Anticipated alterations or changes affecting the condition, size or safety of inspection areas shall be reported to the inspection station investigator within 5 days of the anticipated alteration or change.

(3) The floor shall be of a hard, clean surface and in sound, smooth condition. Dirt floors will not be approved.

(4) The inspection area shall be free of obstructions, including shelves, work benches, partitions, displays, machinery and stairways, unless, in the opinion of the inspection station investigator, the obstruction does not protrude into the area far enough to curtail or interfere with inspection.

(b) *Minimum space requirements.* Enhanced emission inspection stations shall be at least 12 feet by 22 feet.

**§ 177.406. Tools and equipment.**

(a) *General requirements.* Official emission inspection stations shall have tools and equipment in good, satisfactory operating condition to be able to conduct emission inspections upon a subject vehicle. Tools required shall include the following:

(1) Portable light.

- (2) Socket set.
  - (3) Screw drivers (assorted).
  - (4) Floor jack.
  - (5) Pliers (assorted sizes).
  - (6) Floor stands (two).
  - (7) Tachometer.
  - (8) Vacuum gauge.
  - (9) Hand vacuum pump.
  - (10) Dwell meter.
  - (11) Timing light.
  - (12) Spark plug gapper.
  - (13) Propane enrichment set.
  - (14) Ohms resistance gauge.
  - (15) Wheel chocks.
  - (16) Approved emission inspection and maintenance textbooks/workbooks with supplements and current changes and approved handbooks and manuals.
  - (17) Exhaust emission analyzer approved by the Bureau and certified by the manufacturer as meeting or surpassing specifications set forth in subsection (b).
  - (18) PCV tester.
  - (19) Approved dynamometer, where applicable.
- (b) *Analyzer specifications.* Exhaust emission analyzers approved by the Bureau shall meet the following requirements:
- (1) Conform to BAR 90 and meet section 207b of the Federal Clean Air Act (42 U.S.C.A. § 7541(b)) warranty specifications.
  - (2) Conform with the following minimum automatic data collection (ADC) specifications:
    - (i) The ADC unit shall be completely compatible with the exhaust emission analyzer—bench portion.
    - (ii) There shall be an alpha-numeric keyboard capable of entering the following types of data for permanent transfer to a storage medium, and as set forth in subparagraph (ix). The system shall automatically enter data indicated—auto. Data shall be entered and stored to capture the following minimum information in the following steps:
      - (A) Date of test (Auto)—mandatory entry, field programmed by manufacturer.
      - (B) Station number (Auto)—mandatory entry, permanently set, 5 alpha-numeric characters, field programmed by manufacturer.
      - (C) Inspector number—mandatory entry, 9 numeric characters.
      - (D) Vehicle ID number—mandatory entry, Title number or VIN, maximum characters used is 26.
      - (E) Test type—mandatory entry, initial test indicator, retest indicator.
      - (F) Vehicle year or engine year—mandatory entry.
      - (G) Cylinder code—mandatory entry, indicator to key in number of cylinders on the vehicle; rotary engines shall be coded as 2 cylinder engines.
      - (H) Vehicle type—mandatory entry, two categories designated for: passenger cars and trucks under 6,000 pounds GVWR and trucks 6,000 to 9,000 pounds GVWR.

At this segment of the emission inspection, the emission inspection inspector shall proceed with the hang-up check. Upon successful completion of this check, the test may no longer be aborted requiring the emission inspector to insert the tailpipe probe and activate the Pennsylvania emission test automatically selecting the HC and CO standard required, plus the rpm and CO<sub>2</sub> values required. Sample collection shall require 17 seconds; validation of the sample shall require 5 seconds; and emission sampling immediately after validation shall require 10 seconds.

(I) Rpm reading (Auto)—actual reading, display suppressed during emission test.

(J) Hydrocarbon (HC, Auto)—reading in ppm, display suppressed during emission test.

(K) Carbon Monoxide (CO, Auto)—reading in %, display suppressed during emission test.

(L) Carbon Dioxide (CO<sub>2</sub>, Auto)—reading in %, display suppressed during emission test.

(M) Invalid Test (Auto)—display suppressed, during emission test.

Four categories designated for:

CO<sub>2</sub> pass/rpm pass;

CO<sub>2</sub> pass/rpm fail;

CO<sub>2</sub> fail/rpm pass;

CO<sub>2</sub> fail/rpm fail.

(N) Pass/Fail (Auto)—display suppressed, during emission test.

Four categories designated for:

HC pass/CO pass;

HC pass/CO fail;

HC fail/CO pass;

HC fail/CO fail.

The automatic test results (auto) suppressed during the Pennsylvania emission test may be displayed after the information is automatically stored. This is an optional feature which may be provided by the manufacturer.

(O) Emission inspection fee—mandatory entry.

(P) Emission adjustment or repair performed—adjustment or repair indicator (mandatory entry for retest entry, displayed only if retest is entered).

(Q) Waiver issued—Yes indicator or No indicator (mandatory entry for retest entry, displayed only if retest is entered).

(R) Sticker number or training number—mandatory entry for pass or if waiver used, 11 alpha-numeric characters (display and entry required for passing test or waiver).

(S) Manufacturer's ID (Auto)—2 alpha-numeric characters assigned by the Department.

(iii) Data shall be entered by a certified emission inspection inspector via the alpha-numeric keyboard in the sequence specified. Mandatory entry data shall be completed before being allowed to proceed to the next data entry item. Nonmandatory entry data are only required as specified. After completing the vehicle type entry the HC hang-up check shall be activated. Upon successful completion of this check the emission inspector may no longer abort the test and shall insert the probe into the subject vehicle's tailpipe and activate the Penn-

sylvania emission test. This shall automatically activate the collection, validation and emission sampling, and automatically key appropriate HC, CO, CO<sub>2</sub> and rpm limits, for pass/fail and invalid test decisions. The entry items designated "Display suppressed during emission test" may not be shown on the display until the test is completed. Test data shall be automatically entered directly into storage and printed on the consumer reports. Data entry items designated "field programmed by manufacturer" shall be capable of programming changes to meet Emission I/M Program required changes.

(iv) The analyzer shall be capable of use as a diagnostic tool and shall also be capable of testing for rpm, HC, CO and CO<sub>2</sub>, providing corresponding screens for diagnostic use when not activated in the Pennsylvania emission test.

(v) The keyboard shall be designed to accommodate the working environment of inspection facilities and to allow for wearing of gloves and contact with grease and oil compounds. The unit shall have the capacity to accommodate 16 present emission standards which may be changed by regulation.

(vi) The keyboard shall provide a capability function so that as data is improperly entered it can be corrected. The automatically-auto-entered data may not be affected by this function.

(vii) Upon the activation of the Pennsylvania emission test, the automatic data collection unit shall automatically set the standard required for comparison as defined in § 177.204 (relating to emission standards). Standards shall be field programmed by the manufacturer.

(viii) The Pennsylvania Emission I/M program shall require two legible consumer reports including full test details as listed below:

<i>Data</i>	<i>Suggested Format</i>
<i>Date</i>	<i>Date: month/day/year</i>
	02/23/95
Station Number	Station #:
Inspector Number	Inspector #:
Vehicle ID Number	Vehicle ID #:
Rpm Reading	Rpm:
HC Standard in PPM	HC Std. PPM:
HC Test Reading in PPM	HC Test PPM:
CO Standard in %	CO Std. %:
CO Test Reading in %	CO Test %:
CO <sub>2</sub> Reading in %	CO <sub>2</sub> %:
Invalid Test	CO <sub>2</sub> /rpm: (either invalid CO <sub>2</sub> or rpm unstable)
Sticker Number	Sticker #:
Total Cost	Total Cost:
Certified Emission Inspector Signature:	
Inspector Sig.: _____	

For signature, data will be manually completed.

(ix) When the data is transferred from the storage medium, the unit shall provide the following test after loading the replacement storage medium.

(A) Record a predetermined test record as in subparagraph (ii) in which all number fields are filled with the number "one" and all alpha and alpha-numeric field are filled with the letter "A."

(B) Stop recording.

(C) Read the predetermined test record now on the storage medium.

(D) Compare the predetermined test record on the storage medium with the predetermined record in memory:

(I) Prohibit the instrument from further recording on the storage medium and cause the instrument to indicate this storage medium failure to the operator if the predetermined test record does not correspond directly to that in the memory.

(II) Permit the system to proceed if the predetermined test record in the storage medium corresponds directly to that in the memory.

(x) The HC hang-up reading in the sampling system may not exceed 20 ppm hexane before each test as measured by the analyzer zeroed on room air. The analyzer shall be designed for automatic HC hang-up checks of the sampling system using room air. The analyzer shall have a selector switch, button with indicator light labeled "hang-up check" or other equivalent display prompter/indicator. "Hang-up" activation shall cause the analyzer to automatically sample room air through the sample line and probe. The check system shall continue to sample room air until the HC response is below 20 ppm hexane. When the HC level stabilizes below this value, an indication that testing may begin shall be displayed. The analyzer shall be precluded from operating until the HC level is met. The analyzer shall also be locked out unless a successful hang-up check has been performed since the last activation of the test sequence or the HC analyzer has not experienced an HC level greater than that specified in this subparagraph.

(xi) Engine tachometer/idle lockout shall be treated as follows:

(A) A digital tachometer shall be integrated with the console for the purposes of measuring engine speed according to the number of cylinders indicated 1 through 12 cylinder vehicles, in the data entry section. The hook-up to the engine shall be by means of an inductive pick-up.

(B) The following table provides maximum engine rpms allowable according to number of cylinder:

(I) Maximum idle speeds (shall be field programmed by the manufacturer)

(II) More than 4 cylinders 1200 rpm maximum

(III) Four or less cylinders 1600 rpm maximum

(C) A lock-out feature shall apply only to vehicles tested in the inspection mode and shall be provided in the tachometer that will cause an "invalid test" to occur and to be displayed, printed and stored if the test idle speed range is exceeded or if the speed fluctuates in excess of 20% of the reading. This data shall be field programmed by the manufacturer.

(xii) The analyzer shall be equipped with an antidilution feature to identify vehicle exhaust system leaks and sample dilution. The technique for identifying leaks is monitoring the CO<sub>2</sub> levels in the exhaust. If the CO<sub>2</sub> reading is less than the lower limit, the analyzer shall display, print and store "invalid test" indication. The minimum acceptable CO<sub>2</sub> values shall be field programmed by the manufacturer. At least two lower-limit CO<sub>2</sub> values shall be capable of being used:

(A) Vehicle equipped with air pump: 4%.

(B) Vehicle without air pump: 6%.

(xiii) In the record mode, if the space on the storage medium available for recording is not sufficient to record

the entire test and information as specified in subparagraph (ii), the test may not proceed and the analyzer shall immediately lock out the testing mode of the analyzer until the manufacturer or service provider replaces the storage medium. The emission inspector shall be prohibited from replacing the storage medium.

(xiv) The data collection system shall provide to the emission inspection inspector a visual display of the data as it is being entered, except for that data which is required under subparagraph (ii) to be suppressed during the emission test.

(xv) The analyzer system shall have the capability to provide an electronic-mechanical span/zero check every hour. If the check is not made or fails either span or zero (gas calibration or electrical component failure), the analyzer shall automatically lock out any capability of activating an emission test until the analyzer is properly adjusted or repaired. In addition, gas span checks or leak checks, checked on a weekly basis (180 calendar hours), which fail shall cause the analyzer to automatically lock out any capability of activating an enhanced emission test until the analyzer is properly adjusted or repaired.

(xvi) Approved exhaust emission analyzers shall be powered by alternating current.

(xvii) The sample probe shall meet or surpass BAR 90 sample probe requirements and be capable of being placed in the tailpipe a minimum of 12 inches with a device, if necessary, to preclude sample dilution.

(3) Provide all of the following capabilities:

(i) The standard is automatically selected upon activating the emission test.

(ii) The HC, CO, CO<sub>2</sub> and rpm readings are automatically taken and an automatic pass/fail or invalid test determination is supplied by one of the specific codes provided in paragraph (2)(ii) upon placing the probe into the subject vehicle tailpipe and activating the test sequence.

(iii) The HC, CO, CO<sub>2</sub>, rpm and pass/fail or invalid test data are automatically recorded into the storage medium and recorded onto the consumer reports.

(c) *Field calibration gases.* Field calibration gases shall meet the following standards: 1.6% CO, 600 ppm propane; and 11% CO<sub>2</sub>, the carrier gas in nitrogen, with a 5% blend tolerance and a certified analytical accuracy of  $\pm 2\%$ . More than three gas blends are acceptable if the 1.6% CO, 600 ppm propane and 11% CO<sub>2</sub> concentrations with a 5% blend tolerance and  $\pm 2\%$  accuracy are maintained. Accuracy of the field calibration gases traceable to NBS standard gas  $\pm 2\%$  shall be certified by the individual gas blender and attested to in affidavit form to the Department by a corporate officer. A concentration label stating the gas standard manufacturer's name and production location, batch number and container fill date shall be affixed to the container. Gases used shall be secured from Bureau approved gas blenders. The seller of emission analyzers sold, used or contracted shall have a full gas container installed and operational at time of delivery.

#### § 177.407. Hours of operation.

Enhanced emission inspection stations shall be open for business a minimum of 40 hours, Monday through Friday between 7 a.m. and 5 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the inspection station investigator. To qualify for a waiver from the provisions of this section, 50% of the working hours shall be between 8 a.m.

and 5 p.m. Monday through Friday. This section does not apply to Commonwealth or fleet emission inspection stations.

#### § 177.408. Certified emission inspectors.

(a) *General rule.* Personnel who perform enhanced emission inspections at each emission inspection station will be certified by the Department as enhanced emission inspectors. The enhanced emission inspection shall be completely performed by certified enhanced emission inspectors.

(b) *Multiple stations.* A certified emission inspector may work at more than one emission inspection station.

(c) *Certified enhanced emission inspector requirements.* An inspector desiring to be certified shall:

- (1) Be 18 years of age or older.
- (2) Have done the following:

(i) Completed an enhanced emission inspection training course, approved by the Department, that included, at a minimum, information on the following:

(A) The air pollution problem, including its cause and effects.

(B) The purpose, function and goal of the inspection program.

(C) Emission inspection regulations and procedures of the Commonwealth.

(D) Technical details of the test procedures and the rationale for their design.

(E) Emission control device function, configuration and inspection.

(F) Test equipment operation, calibration and maintenance.

(G) Quality control procedures and their purpose.

(H) Public relations.

(I) Safety and health issues related to the inspection process.

(ii) Passed a required written test with a minimum of 80% correct test responses.

(iii) Proved, through means of a hands-on test under supervision of a Commonwealth quality assurance officer or other qualified Commonwealth employe or agent, the ability to perform a complete emission inspection, to properly utilize test equipment and to follow other required procedures. The inability to properly conduct the test procedures shall constitute failure of the test.

(3) Renew the certification every 2 years under procedures established by the Department.

(d) *Identification.* While conducting inspections, a certified enhanced emission inspector shall have in his possession a currently valid inspector certification card issued by the Department.

(e) *Names of inspectors.* The names of certified enhanced emission inspectors and their inspector certification numbers shall be placed on the Current List of Certified Emission Inspectors form which shall be posted in a conspicuous location at the enhanced emission inspection station.

(f) *Number of inspections.* The number of inspections performed by a certified enhanced emission inspector may not exceed 4 per hour.

**OBLIGATIONS AND RESPONSIBILITIES OF  
STATION OWNERS/AGENTS**

**§ 177.421. Obligations and responsibilities of station owners/agents.**

(a) *Personal liability.* It is the responsibility of the owner of an enhanced emission inspection station:

(1) To conduct the business of the official enhanced emission inspection station honestly and in the best interests of the Commonwealth, under the Vehicle Code and this chapter and, except in the case of a fleet or Commonwealth emission inspection station, to make every reasonable effort to inspect all vehicles upon request.

(2) To make official emission inspection regulations and supplements available for the use of all certified emission inspectors and other employees involved.

(3) To notify the inspection station investigator and the Vehicle Control Division when a certified emission inspector is hired, resigns or is dismissed.

(4) To keep, at the station, for 2 years, current emission inspection records for examination by the inspection station investigator or other authorized persons.

(5) To assume full responsibility for providing the vehicle emission test report to motorists after testing and to have the repair requirements stated on a form provided to the vehicle owner or operator.

(6) To keep, at the station, for 2 years duplicate copies of completed Certificate of Emission Requisition Forms, and the original Certificate of Waiver Forms, and other required forms.

(7) To assume full responsibility, with or without actual knowledge, for:

(i) Every emission inspection conducted at the emission inspection station.

(ii) Every emission inspection waiver issued at the emission inspection station.

(iii) Every certificate of emission inspection issued to the emission inspection station.

(iv) Every violation of the Vehicle Code or this chapter related to emission inspections committed by an employee of the emission inspection station.

(8) To perform required maintenance and calibration procedures of emission analyzers according to procedures established by the Department and perform electronic zero and span checks hourly during periods of operation and weekly leak checks.

(9) To complete and retain at the station, for 2 years, weekly emission analyzer maintenance and calibration records. The emission analyzer calibration record shall be submitted to the designated Department officials or representatives upon request.

(10) To place an emission analyzer out of service when calibration cannot be performed according to procedures established by the Department.

(11) To maintain instrument calibration test results. The analyzer manufacturer or other approved service representative shall write maintenance and calibration information on the Emission Analyzer Maintenance and Calibration Report. This report shall be maintained at the station for 2 years.

(12) To enter into an agreement with the manufacturer or distributor supplying an emission analyzer or other

approved service provider to provide the analyzer calibration on the station premises as required by this chapter.

(13) To maintain a copy of the inspection report for each inspection. The reports shall be kept in sequential test order whether a sticker is issued or not. Inspection reports shall be completed and signed by the emission inspector. Sticker information may be maintained on an Emission Inspection Record form for each emission inspection. The inspection reports shall be maintained for 2 years.

(14) To maintain adequate numbers of current certificates of emission inspection and inserts for issuance.

(i) *Data entry errors.* If a data entry error occurs, the error and the error correction shall be clearly noted.

(ii) *Voided stickers.* If it is necessary to void a sticker, the sticker number and the reason shall be clearly noted.

(b) *Certificate of appointment.* A certificate of appointment is not assignable and is valid only for the owner in whose name it is issued.

(1) If there is a change of ownership, the certificate of appointment, unissued certificates of inspection and inspection material shall be surrendered to the inspection station investigator. If the new owner desires to continue providing emission inspections, the owner shall submit an Official Emission Inspection Station Update/Official Emission Inspection Station Application to the Bureau. An investigation of the premises will be conducted by the inspection station investigator.

(2) In the following circumstances, it is not necessary to surrender unissued certificates of emission inspection; however, inspections may not be conducted until the new ownership has been approved and a new certificate of appointment has been issued:

(i) Creation, modification or termination of a partnership.

(ii) Incorporation of a business.

(iii) Transfer of the controlling interest in a corporation.

(iv) Transfer of ownership to a spouse, child or parent.

(3) If there are changes of location of an emission inspection station:

(i) An Official Emission Inspection Station Update/Official Emission Inspection Station Application shall be completed and submitted to the Bureau.

(A) An investigation of the premises shall be conducted by the inspection station investigator.

(B) Certificates of inspections shall be audited by the inspection station investigator or his supervisor and will be retained by the station owner.

(ii) An emission inspection may not be made at the new location until it has been investigated, an approved emission analyzer has been installed and calibrated by an approved emission analyzer manufacturer or other approved service representative, and a new certificate of appointment has been issued by the Bureau.

(iii) An inspection station investigator will pick up all current emission certificates of inspection and retain them until the new location is approved, if the new location is not approved at the time of investigation.

(4) Emission inspections shall be discontinued:

(i) If the owner vacates, abandons or discontinues the inspection business with or without notice to the Bureau

and the inspection station investigator and supervisor. The inspection station investigator or supervisor will pick up all certificates of emission appointment, records and all other emission inspection materials and return them to the Bureau.

(ii) If the owner is deceased and if a member of the family or a partner wishes to continue the business, a new application for appointment shall be submitted to the Department.

(iii) If a station owner does not pay for required services rendered by the vendor or other approved service provider, the vendor or other approved service representative may file a written complaint with the Department, and the Department, after providing the opportunity for a hearing, may suspend the certificate of appointment until payment has been made.

(5) The following events shall be reported at once to the inspection station investigator and the Bureau; however, it is not necessary to discontinue inspections:

(i) Whenever certificates of emission inspection are damaged, lost or stolen. Telephone communication to the Bureau within 5 days of event shall be required providing the serial number of each missing emission certificate.

(ii) Whenever a certified emission inspector or a person authorized to purchase certificates of inspection is dismissed or resigns.

(iii) Whenever changes in a post office address of an emission inspection station, not location, occur, they shall be reported in writing to the inspection station investigator and the Bureau on an Official Emission Inspection Station Update/Official Emission Inspection Station Application.

(iv) Whenever changes of the company name, not ownership, occur, they shall be reported on an Official Emission Inspection Station Update/Official Emission Inspection Station Application.

(v) Whenever a person who signs the Official Emission Inspection corporation is no longer in charge of the emission inspection station:

(A) A new Official Emission Inspection Station Update/Official Emission Inspection Station Application shall be submitted to the Bureau at once.

(B) A new letter of authority shall be required for the person signing the Official Emission Inspection Station Update/Official Emission Inspection Station Application.

(6) Whenever a person, whose name is on the Authorized Agents For Receiving Stickers form, resigns or is relieved of his emission inspection responsibilities, the owner shall complete a new Authorized Agents For Receiving Stickers form and submit the completed form to the Bureau immediately.

(7) Customer relations shall be governed by the following:

(i) The garage owner or certified emission inspector shall consult the vehicle owner for permission before emission adjustments are made.

(A) Permission may be established at the time the vehicle is brought to the station or after it is determined to what extent adjustments are needed.

(B) The vehicle owner is allowed to perform his own adjustments, or to select anyone he chooses to do the work for him.

(ii) Parts replaced as a result of inspection shall be retained until the vehicle is returned to the customer. The customer shall have the right to examine replaced parts.

(iii) Inspection station owners and inspectors should be courteous and patient in explaining to the motorist that the requirements of emission inspection are designed to promote clean air. Employees should clearly understand that the function of an official emission inspection station is to perform enhanced emission inspections consistent with this chapter.

(iv) The garage owner, authorized manager or certified emission inspection inspector shall provide notice to customers of the location of the nearest quality assurance officer or Vehicle Control Division.

**§ 177.422. Commonwealth enhanced emission inspection stations.**

(a) *Eligibility.* The designation, Commonwealth Enhanced Emission Inspection Station, will be issued to stations owned and operated by the following:

(1) The Federal Government.

(2) The Commonwealth.

(3) A political subdivision of the Commonwealth.

(b) *General requirements.* An applicant for a Commonwealth emission inspection station shall meet the requirements of this chapter, including the requirements for fleet stations.

(c) *Certified emission inspection inspector.* Each official Commonwealth emission inspection station shall have at least one certified emission inspection inspector.

(d) *Method of inspection.* A Commonwealth emission inspection station may, by mutual agreement with another governmental body, inspect and issue certificates of emission inspection to vehicles registered in the name of that governmental body. Inspection fees, as defined in this chapter, may be charged for the inspection. Charges may be collected for repairs.

**§ 177.423. Fleet emission inspection stations.**

(a) Eligibility requirements for fleet emission inspection stations are as follows:

(1) *Minimum number of vehicles.* A fleet emission inspection station owner shall own or lease at least 15 subject vehicles.

(2) *Authorized subject vehicles.* The certificate of appointment shall authorize emission inspection of subject vehicles registered or leased by the fleet emission inspection station owner. Privately owned or registered vehicles of company officers and employees may not be emission inspected at a fleet emission inspection station, even if they are used for business purposes.

(3) *Certificate cancellation.* The fleet emission inspection certificate shall be cancelled if the number of subject vehicles owned or leased falls below 15, except for a temporary delay in ordering or receiving additional vehicles to supplement the fleet.

(b) Each fleet emission inspection station shall have at least one certified enhanced emission inspection inspector.

(c) Requirements for fleet inspection stations shall include the following:

(1) Applicants for a fleet emission inspection station shall comply with this chapter unless specifically exempted.



(2) Inspection areas shall be large enough to accommodate the largest subject vehicle to be inspected at the fleet emission inspection facility, in addition to meeting the minimum inspection area requirements of § 177.405 (relating to emission inspection areas).

(d) Limited inspection periods and limitations on the length of service requirements are permitted if the station meets the following:

(1) Fleet vehicles subject to emission inspections are registered in the limited inspection periods, as defined in § 177.3 (relating to definitions).

(2) The station owner, in writing, requests the Department to permit a limited inspection period. This request shall specify the month in which emission inspections will be performed.

(3) The station owner submits a copy of the manufacturer/station agreement specifying regulation service commitments for the limited inspection period.

(4) The station owner is granted written Department approval after a station review and a fleet vehicle registration certification is completed. The approval will designate the months in which emission inspections shall be performed.

(5) The station owner performs emission inspections only during months designated by the Department.

(e) Limited inspection period emission analyzer service requirements with accompanying limitations as to the length of service requirements are as follows:

(1) Station owners shall ensure that required manufacturer/station service commitments are in force during this limited period.

(2) Station owners shall pay for costs to bring the approved analyzer into compliance and monthly or quarterly fees required by the manufacturer or other approved service representative during the limited inspection period.

(3) Station owners shall be responsible for notifying the quality assurance officer or the Vehicle Control Division of the starting and ending times for the limited inspection periods. Failure to notify the Department may result in cancellation of this privilege.

(4) Station owners may not permit emission inspections to be performed during the limited inspection period until the Department has been notified by the analyzer manufacturer or other approved service representative that the analyzer is in compliance with all requirements and the Department so notifies the station owner. Failure to comply with this paragraph may result in cancellation of limited inspection period privileges.

#### § 177.424. General emission inspection stations.

(a) *Eligibility.* The designation, general emission inspection station, will be issued to stations that emission inspect all subject vehicles, if the station is so equipped.

(b) *General requirements.* An applicant for a general emission inspection station shall comply with this chapter unless specifically exempted.

(c) *Certified enhanced emission inspection inspector.* Each general emission inspection station shall have a certified enhanced emission inspection inspector present during normal business hours.

(d) *Method of inspection.* Subject vehicles shall be inspected consistent with this chapter by a certified emission inspection inspector.

#### § 177.425. Security.

(a) *Unlawful possession.* No person may knowingly possess certificates of emission inspection which have been illegally purchased, stolen or counterfeited.

(b) *Not transferable.* Emission inspection stickers are not transferable. They shall only be affixed to the subject vehicle as recorded on the Exhaust Emission Analyzer and the Vehicle Emission Inspection Report sheet.

(c) *Removal.* No certificates of emission inspection may be removed from a vehicle for which the certificate was issued except to replace it with a new certificate of emission inspection issued under this chapter. This prohibition is not applicable to expired certificates of emission inspection on vehicles registered outside the designated areas. These expired certificates of emission inspection shall be removed only by a certified emission or safety inspection inspector.

(1) A person replacing a windshield or repairing a windshield in a manner which requires removal of a certificate of emission inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the emission certificate and deliver it to the registrant of the vehicle or destroy the emission certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the emission certificate. Within the 5-day period an appropriate official emission inspection station may affix to the vehicle another certificate of emission inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of emission inspection. A labor fee of no more than \$2 may be charged for the exchanged certificate of emission inspection. The replacement may be made at any time prior to the expiration of the certificate of emission inspection.

(i) The portion of the windshield containing the certificate of emission inspection may be retained for audit by the inspection station investigator.

(ii) The replacement certificate of emission inspection shall be recorded on the appropriate record showing all information except inspection items.

(iii) "Replacement" shall be marked on the reverse side of the replacement certificate of emission inspection.

(2) A certificate of emission inspection may not be removed from a vehicle until a complete inspection has been made.

(3) Only one current, valid certificate of emission inspection shall be visible on a vehicle. The old certificate of emission inspection shall be removed and completely destroyed before a new sticker can be affixed after an inspection and approval.

(d) *Lock and key.* Emission inspection stickers shall be kept under lock and key in a safe place. The station owner shall be solely responsible for their safety and shall account for all emission certificates of inspection issued to the station.

(e) *Unused.* Unused certificates of emission inspection for an expired period shall be retained by the emission inspection station until audited by the inspection station investigator. After an audit is completed, the inspection station investigator shall destroy them.

(f) *Issuance of emission certificates of inspection.* Certificates of emission inspection will not be issued by the

Bureau to anyone that has not been listed on an executed Authorized Agents for Receiving Stickers Form.

(g) *Authorized agents for receiving stickers.* The Authorized Agents for Receiving Stickers Form shall be completed upon receipt as instructed on the back side of the form and submitted within 1 day of receipt to the Vehicle Control Division whenever:

- (1) An employe, whose signature appears on the form, is no longer employed by the station.
- (2) The card is defaced, torn or illegible.
- (3) An authorized agent is to be added.

**§ 177.426. Ordering certificates of emission inspection.**

(a) *Requisitions.* A properly completed Requisition For Official Inspection Sticker Form for certificates of emission inspection and a Sticker Insert Requisition Form for emission inserts shall be submitted to the Department. If certificates of emission inspection or sticker inserts are to be delivered to a mailing address instead of the inspection station address, the mailing address shall be included on every requisition submitted to the Department.

(b) *Contents.* The following information shall be entered on the order form:

(1) The correct name, address and station number, as shown on the certificate of appointment, shall be entered on every requisition form.

(2) If special delivery is desired, either shipping costs shall be paid by the station to the delivery agent upon receipt of the stickers, or if a sticker requisition is accompanied by a check for special delivery, the check shall be made payable to the "Department of Transportation."

(3) The Requisition for Official Inspection Sticker Form and Sticker Insert Requisition for Official Inspection Sticker Form and Sticker Insert Requisition Form shall be completed and forwarded to the Department.

(4) A copy of the requisition or a Department receipt will be returned with the order of certificates of emission inspection shipped from the Department. Station copies of requisitions or Department receipts shall be kept on file at the station for 2 years and shall be made available for inspection upon request of the inspection station investigator or authorized representative of the Department.

(5) Certificates of emission inspection shall be ordered in multiples of 25, with a minimum order of 50 certificates, except that Commonwealth and fleet inspection stations shall order a minimum of 25 certificates.

(6) Incomplete or improper certificates of emission inspection requisitions shall be returned to the official emission inspection station for correction to avoid unnecessary inconvenience or delay. Information shall be rechecked very carefully.

(c) *Inventory.* Emission inspection stations should anticipate their need for additional certificates of emission inspection.

(d) (Reserved).

**§ 177.427. Violations of use of certificate of emission inspection.**

A person may not:

(1) Make, issue, transfer or possess any imitation or counterfeit of an official certificate of emission inspection.

(2) Display or cause to be displayed on a vehicle or have in possession a certificate of emission inspection knowing the same to be fictitious or stolen or issued for another vehicle or issued without an emission inspection having been made.

(3) Furnish, loan, give or sell certificates of emission inspection and approval to any official emission inspection station or other person except upon an emission inspection performed in accordance with this chapter.

**QUALITY ASSURANCE**

**§ 177.431. Quality assurance.**

*Performance audits.* The Department will conduct performance audits on a periodic basis to determine whether inspectors are correctly performing the tests and other required functions.

(1) Performance audits may be of two types:

(i) Overt performance audits which may include the following:

(A) A check for appropriate document security.

(B) A check to see that required recordkeeping practices are being followed.

(C) A check for licenses or certificates and other required display information.

(D) Observation and written evaluation of each inspector's ability to properly perform an inspection.

(ii) Covert performance audits which may include the following:

(A) Remote visual observation of inspector and inspection station personnel performance, which may include the use of binoculars or video cameras.

(B) Site visits using covert vehicles.

(C) Other activities deemed appropriate by the Department as necessary to maintain the level of quality assurance for the enhanced emission inspection program required by Federal law.

(2) The station owner and the employes of the station owner shall make available information requested by the Department and shall fully cooperate with Department personnel who conduct the audits and other authorized Commonwealth representatives or agents.

**Subchapter E. EQUIPMENT MANUFACTURERS' AND CONTRACTOR'S REQUIREMENTS AND OBLIGATIONS**

**EQUIPMENT MANUFACTURERS' REQUIREMENTS**

Sec.

177.501. Equipment approval procedures.

177.502. Service Commitment.

177.503. Performance Commitment.

177.504. Revocation of Approval.

**CONTRACTOR OBLIGATIONS**

177.521. Contractor obligations and responsibilities.

**EQUIPMENT MANUFACTURERS' REQUIREMENTS**

**§ 177.501. Equipment approval procedures.**

The manufacturer shall meet the following conditions for preliminary and final approval for participation in the enhanced emission inspection program.

(1) *Preliminary approval.* The following requirements shall be met for preliminary approval:

(i) The manufacturer shall provide a certified copy of BAR 90 approved certification of the analyzer to be used. If a BAR 90 approved certification is not possible, a certified document stating complete testing compliance with all BAR 90 test requirements shall be provided. Testing shall be completed by a reputable independent testing laboratory.

(ii) The manufacturer shall provide documentation that the automatic data collection system will meet the Pennsylvania Automatic Data Collection system requirements and provide flow descriptions and detailed operations with proposed screens for Automatic Data Collection requirements.

(iii) The manufacturer shall submit a description of the proposed methods the manufacturer or distributor will use to meet Department analyzer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(iv) The manufacturer shall provide a document that the dynamometer meets all Federal requirements for ASM test equipment as specified in 40 CFR, Part 85 (relating to control of air pollution from motor vehicles and motor vehicle engines), which is adopted by reference.

(2) *Final approval.* The following requirements shall be met for final approval:

(i) The manufacturer shall provide a certified copy of BAR 90 approved certification or a certified document stating complete testing compliance with BAR 90 test requirements by a reputable independent testing laboratory that completed the testing.

(ii) The manufacturer shall provide a certified document that the Automatic Data Collection system meets the Pennsylvania Automatic Data Collection system requirements and provide final flow descriptions and diagrams and final detailed operations with final screens.

(iii) The manufacturer shall provide test tapes and printed listing of the test information transmitted to include a minimum of 200 engine tests with a representative sample of all cut points. All cut points shall be tested.

(iv) The manufacturer shall provide a document that the dynamometer meets all Federal requirements for ASM test equipment as specified in 40 CFR, Part 85, which is adopted by reference.

(v) The manufacturer shall submit a certified signed statement that the description of the methods the manufacturer or distributor will use shall meet or surpass all Department analyzer and dynamometer specifications, performance commitments, financial commitments, responsibilities and agreements as required by this chapter and the Department's procedures and policies.

(3) *Certification.* A manufacturer shall cause a corporate officer with production management responsibility and a corporate officer with administration/operations management responsibility, if a corporation; the general partners, if a partnership; or the owner, if a sole proprietorship, to certify in writing and attest in affidavit form to the Department that the exhaust emission analyzer meets the specifications of this section and quality assurance and that the manufacturer meets or surpasses stated field requirements.

#### § 177.502. Service commitment.

(a) Manufacturers and distributors shall provide the following service commitments:

(1) Supply equipment for sale, lease or rent as specified by the purchase order delivery date.

(2) Train, at no cost, on the initial visit for installation of the emission analyzer or dynamometer, or both, all certified enhanced emission inspection inspectors employed at the time of installation regarding the proper use of the analyzer or the dynamometer, or both, and provide, within 45 days of the request by a station owner or operator, onsite training for additional inspectors for a service fee.

(3) Provide or permit test standards or procedures utilized by test equipment to be modified consistent with Federal requirements for emission inspection programs.

(4) Provide maintenance on purchased equipment within 5 business days of an oral or written request from the station. A fee may be charged for this service.

(5) Visit each station at least every 3 months, no less than 80 calendar days and no greater than 95 calendar days from the previous visit—or in the case of the initial visit, from the delivery date of the equipment—to calibrate the analyzer or other equipment in accordance with Bureau procedures.

(b) Manufacturers and distributors shall offer to equipment purchasers the ability to contract for the following services for additional fees:

(1) Provide replacement equipment while servicing faulty equipment.

(2) Provide inspections, calibrations, training or maintenance or any combination thereof on a more frequent basis than specified in subsection (a).

(c) Manufacturers or distributors shall permit equipment purchasers to contract with other Department approved service providers for the services specified in subsection (b).

(d) All other Department approved equipment service representatives shall provide the following service commitments:

(1) Maintenance on equipment within 5 business days or an oral or written request from the station. A fee may be charged for this service.

(2) Replacement equipment while servicing faulty equipment. A fee may be charged for this service.

#### § 177.503. Performance commitment.

(a) The manufacturer or distributor shall agree that, if it decides to discontinue participation in the program or if its name is removed from the list of approved manufacturers or distributors of emission analyzers by the Department, it will buy back all emission analyzers and dynamometers from the inspection stations which purchased them for an amount equal to the unamortized cost based on straight line amortization over the expected useful life of the analyzer.

(b) The manufacturer or distributor shall agree to provide a specific performance bond, irrevocable letter of credit, a certified check, or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to

the Department in the amount of \$1 million initially, and in the amount of an additional \$400,000, for every 250 analyzers sold to Pennsylvania licensed emission inspection stations. This security will be used:

(1) To insure that money is available to reimburse licensed inspection stations for the reasonable value of existing emission analyzers and dynamometers in the event that the manufacturer or distributor goes out of business in this Commonwealth or is removed by the Department from the list of approved manufacturers or distributors for substantial failure to comply with the terms and conditions of the agreement or this chapter.

(2) To be used in part or in whole in the event of nonperformance or default of the manufacturer or distributor.

**§ 177.504. Revocation of approval.**

(a) The Department may, at any time, on the basis of manufacturer or distributor failure to comply with this chapter, Chapter 41 of the Vehicle Code (relating to equipment standards), or any contract or agreement between the manufacturer and the Department, revoke or suspend the manufacturer's or distributor's approval to provide new or replacement emission analyzers and dynamometers to Pennsylvania emission inspection stations, and may remove the manufacturer or distributor's name from the list of approved emission analyzers and dynamometers if the manufacturer or distributor has failed to make satisfactory progress toward correcting notice of failure within 30 calendar days after having received written notice by the Department.

(b) The following shall constitute, together or individually, a default under this subsection and may be cause for revocation of approval, termination of an agreement, or forfeiture of security provided in § 177.503(b) (relating to performance commitment):

(1) Failure of emission analyzer equipment or dynamometers, or both, provided by the manufacturer or distributor to licensed emission inspection stations to comply with the manufacturer's or distributor's approved application.

(2) Failure, on the initial visit for installation of the emission analyzer or dynamometer, or both, to train all certified enhanced emission inspection inspectors employed by the emission inspection applicant stations.

(3) Failure to provide optional contracted services to stations provided any of the listed optional contracted services are specified in the station/manufacturer contract.

(c) Other Department approved equipment service providers shall agree to provide a specific performance bond, irrevocable letter of credit, certified check or bank cashier's check drawn to the order of the Pennsylvania Department of Transportation, or other suitable financial instrument acceptable to the Department in the amount of \$200,000.

**CONTRACTOR OBLIGATIONS**

**§ 177.521. Contractor obligations and responsibilities.**

(a) *Services to be contracted.* The Department intends to contract with a vendor to perform services, including inspection station audits, inspection test data collection, on-road testing and other quality assurance efforts needed to comply with Federal law. The vendor shall be

responsible for providing all services as specified in contracts executed with the Department, which shall be available for public review.

(b) *Subcontracts.* The vendor may subcontract any of these services, with the approval of the Department, but the vendor shall be liable to the Department for the performance of the subcontractor.

(c) *Personal liability.* The contractor, or those acting as agents of the contractor, shall assume full responsibility for:

(1) Making records available to the Department quality assurance personnel and other authorized Commonwealth personnel during periodic audits.

(2) Providing to the Department, at no cost to the Department, the results of the emission tests conducted at enhanced emission inspection stations. The requirements for data collection and transmission shall be as specified in the contract between the Department and the contractor.

(3) Providing to the Department, at no cost to the Department, the results of inspection station audits and on-road testing. The requirements for data collection and transmission shall be as specified in the contract between the Department and the contractor.

(4) Maintaining copies of test results and other data in the event that there are problems with the online transmission. The copies may be discarded only after notification by the Department that data from the original transmission has been satisfactorily transferred for data processing.

(5) Using computer control of quality assurance checks and quality control charts whenever possible.

**Subchapter F. SCHEDULE OF PENALTIES AND HEARING PROCEDURE**

**SCHEDULE OF PENALTIES AND SUSPENSIONS**

- Sec.  
177.602. Schedule of penalties for emission inspection stations.  
177.603. Schedule of penalties for emission inspectors.  
177.604. Subsequent violations.  
177.605. Multiple violations.

**DEPARTMENTAL HEARING PROCEDURE**

- 177.651. Notice of alleged violation and opportunity for a Departmental hearing.  
177.652. Official documents.

**RESTORATION AFTER SUSPENSION**

- 177.671. Restoration of certification of an emission inspector after suspension.  
177.672. Restoration of certification of an emission inspection station after suspension.

**REGISTRATION RECALL PROCEDURE FOR VIOLATION OF §§ 177.301—177.305 (RELATING TO ON-ROAD TESTING)**

- 177.691. Registration Recall Committee

**SCHEDULE OF PENALTIES AND SUSPENSIONS**

**§ 177.602. Schedule of penalties for emission inspection stations.**

(a) The complete operation of an official emission inspection station shall be the responsibility of the owner. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. In addition, violators are also subject to criminal prosecution. Every general, fleet or Commonwealth emission inspection station shall be subject to the following schedule of penalties and suspension:

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offense
<i>Category 1</i>			
Issuance or possession of altered, forged, stolen or counterfeit certificate of inspection	1 year & \$2,500 fine	Permanent & \$5,000 fine	
Furnish, lend, give, sell or receive a certificate of inspection without inspection	1 year & \$2,500 fine	Permanent & \$5,000 fine	
Fraudulent recordkeeping	1 year & \$2,500 fine	Permanent & \$5,000 fine	
Faulty inspection	3 months & \$1,000 fine	1 year & \$2,500 fine	3 years & \$5,000 fine
<i>Category 2</i>			
Inspecting more than 12 subject vehicles per hour per emission inspection inspector	3 months	6 months	3 years
Failure to produce records upon demand by inspection station investigator	3 months	6 months	1 year
Inspection by uncertified inspector	3 months	6 months & \$1,000 fine	1 year & \$2,500 fine
Unnecessary repairs for purpose of inspection	3 months	6 months	1 year
Misstatement of fact	1 month	3 months	1 year
Improper assigning of certificate of inspection	1 month	3 months	1 year
<i>Category 3</i>			
Improper security of certificate of inspection	Warning	3 months	1 year
Unclean inspection area	Warning	Warning	3 months
Careless recordkeeping	Warning	Warning	3 months
Required tools or equipment missing or broken	Warning if tools are repaired or replaced; if not, suspension until tools are repaired or replaced.	1 month or until tools are repaired or replaced, whichever is greater.	6 months or until tools are repaired or replaced, whichever is greater.
Bad Check	Warning, if amount due is paid within 10 days from date notified. If not, suspension until amount due is paid.	3 months or until amount due is paid, whichever is greater.	6 months or until amount due is paid, whichever is greater.
<i>Category 4</i>			
Failure to report discontinuance of business	1 year	2 years	Permanent
Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	3 months	6 months	1 year

(b) *Assignment of points.* The Department will permit the station owner to consent to the acceptance of a point assessment for the station in lieu of suspension, if the station owner, manager, supervisor or other management level employe was without knowledge of the violation.

(1) The station owner bears the burden of proving that the station owner provided proper supervision of the employe who committed the violation, but that the owner's supervision could not have prevented the violation.

(2) By accepting the assessment of points the station owner waives the right to appeal the Department's determination in the case to a court of record. If the station owner refuses to accept the point assessment, the Department will issue the suspension provided in this chapter for the offense committed.

(c) *Point determination.* When offering a point assessment, in lieu of a suspension, the Department will calculate points in the following manner:

(1) One point will be assessed for every 2 months of suspension which the Department would otherwise impose.

(2) A point assessment will not exceed 8 points for a single violation.

(3) If an inspection station is currently serving a suspension for a violation of this chapter, no point assessment will be made. A subsequent violation which occurs while a current suspension is being served, will result in a suspension that will run consecutively with the current suspension.

(d) *Point suspension.* The Department will suspend the privileges of an official inspection station for an accumulation of points whenever the station accumulates 10 or more points.

(1) The first occurrence of an accumulation of 10 points or more shall result in a suspension for 2 months for each point over 9 points; the second occurrence of an accumulation of 10 points or more shall result in a suspension for 4 months for each point over 9 points; the third occurrence of an accumulation of 10 points or more shall result in a suspension for 6 months for each point over 9 points.

(2) The fourth occurrence for an accumulation of 10 or more points shall result in a permanent suspension.

(3) Only suspensions issued as the result of an accumulation of points shall be counted in determining whether a suspension for points accumulation's is a second, third or fourth suspension.

(4) If the point record of a station has been reduced to zero, a subsequent accumulation of points that will result in the suspension of the station will be considered first, second, third and fourth suspensions.

(e) *Warning.* The Department may permit the station to consent to the acceptance of a warning in lieu of a first violation suspension, if the station owner appointee and supervisors were without knowledge of the violation and reasonably could not have known of the violation. The consent warning will only be issued to stations which have had no suspendable violations for 3 years prior to the date of the violation which is being considered. The station bears the burden of proving that it provided proper supervision of the employe who committed the violation but that its supervision could not have prevented the violation. Consent warnings replace the first violations suspension, and a second violation will be

considered a second violation. Consent warnings will be issued only for the following types of violations:

- (1) Furnishing, lending, giving, selling or receiving a certificate of inspection without inspection.
- (2) Fraudulent recordkeeping.
- (3) Improper recordkeeping.
- (4) Faulty inspection.

(f) *Voluntary discontinuance.* A certificate of appointment will be cancelled by the Department whenever the owner voluntarily discontinues the operation of an emission inspection station. Remaining emission inspection materials shall be returned to the inspection station investigator upon request of the Department.

(g) *Abandonment.* A certificate of appointment will be cancelled by the Department, and inspection materials confiscated when the owner of record abandons the place of business and cannot be located.

(h) *Sale of business.* If an emission inspection station is sold or leased to a new owner, an application will not be considered while the station is suspended or restored pending an appeal of a suspension.

**§ 177.603. Schedule of penalties for emission inspectors.**

An emission inspector shall assume full responsibility for the inspector's acts as an emission inspector. Failure to comply with the appropriate provisions of the Vehicle Code or this chapter will be considered sufficient cause for suspension of emission inspection privileges. A violator may also be subject to criminal prosecution. After providing the emission inspector with an opportunity for a hearing, the Department may impose suspensions or penalties upon the emission inspector according to the following schedule of offenses for violations:

Type of Violation	Duration of Suspension		
	1st Offense	2nd Offense	3rd and Subsequent Offense
<i>(1) Category 1.</i>			
Issuance or possession of altered, forged, stolen or counterfeit certificate of emission inspection	1 year	Permanent	
Furnish, lend, give, sell or receive a certificate of emission inspection without inspection	1 year	Permanent	
Fraudulent recordkeeping	1 year	Permanent	
Faulty inspection	2 months & \$100 fine	1 year & \$500 Fine	3 years & \$1,000 Fine
<i>(2) Category 2.</i>			
Failure to produce records upon demand by quality assurance officer or other authorized Commonwealth representative or agent	Suspension until records are produced		
Inspection by uncertified inspector	4 months	6 months	1 year
Improper recordkeeping	Warning	2 months	6 months
Improper inspection	Warning & \$100 fine	2 months & \$250 fine	6 months & \$500 fine
Improper assigning of certificate of emission inspection	Warning	2 months	6 months
Improper security of certificate of emission inspection	Warning	2 months	6 months

<i>Type of Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offense</i>
(3) <i>Category 3.</i>			
Unclean inspection area	Warning	1 month	4 months
Careless recordkeeping	Warning	1 month	4 months
Failure to give vehicle emission inspection test printout to customer	Warning	1 month	4 months

**§ 177.604. Subsequent violations.**

Determination of second and subsequent violations will be made on the basis of previous violations in the same category within a 3-year period.

**§ 177.605. Multiple violations.**

If multiple violations are reviewed and considered at one Departmental hearing, the Department will impose separate penalties for each violation as required by the schedule of penalties. The Department may direct that a suspension be served concurrently or consecutively. Violations affecting more than one vehicle will be treated as separate violations.

**DEPARTMENTAL HEARING PROCEDURE**

**§ 177.651. Notice of alleged violation and opportunity for a Departmental hearing.**

Except for a penalty or sanction imposed under the contract between the Department and the contractor, a person charged by the Department's quality assurance officers or other authorized personnel to be in violation of this chapter or the Vehicle Code shall have the right to request a hearing regarding the charges. The hearing will be conducted in accordance with the following:

(1) The Department will provide written notice to a dealer, contractor, inspector or other employe of the contractor of the nature of the alleged violation and of the opportunity and procedure to request a Departmental hearing.

(2) The hearing, if requested, will take place within 14 days of the request.

(3) The hearing will be conducted by Department personnel at a site established by the Department.

**§ 177.652. Official documents.**

(a) Whenever an emission inspection station or inspector is suspended or cancelled, the Department may order the surrender, upon demand, to an inspection station investigator or authorized representative of the Department, of the following items:

- (1) Inspector certification card.
- (2) Other items pertaining to the certification of the emission inspector to conduct vehicle emission inspections.
- (3) Inspection records.
- (4) Certificate of appointment.
- (5) Signature cards.
- (6) Unused certificates of emission inspection
- (7) Unused I/M monthly inserts.

(b) Certificates of emission inspection and records confiscated as the result of an investigation will be retained by the inspection station investigator. Certificates of

emission inspection and records confiscated as the result of a suspension will be returned to the Department. They will be returned if inspection privileges are restored or the station is reappointed.

**RESTORATION AFTER SUSPENSION**

**§ 177.671. Restoration of certification of an emission inspector after suspension.**

An emission inspector who has had the privilege to conduct enhanced emission inspections suspended shall have the certification restored as follows:

(1) A certified emission inspector who has been suspended for a Category 1 violation or on two or more occasions for a violation of Category 2 or Category 3 under this chapter may not have the certification restored unless the emission inspector obtains classroom instruction and passes a written test and a tactile test according to procedures established by the Department.

(2) A certified emission inspection inspector who has not been previously suspended for a violation of Category 2 or Category 3 under this chapter will have the certification restored at the termination of the suspension.

**§ 177.672. Restoration of certification of an emission inspection station after suspension.**

(a) *Restoration after suspensions.* Stations that have had their privilege to inspect suspended shall be restored as follows:

(1) Stations that have been suspended as a result of a point accumulation will have their point total reduced to six points upon restoration.

(2) Additional points assessed against the station since the last violation resulting in a suspension will be added to the point record unless the station has served an additional suspension under § 177.602(c)(3) (relating to schedule of penalties for emission inspection stations).

(b) *Removal of points.* Points assessed against a station shall be removed at the rate of two points for each 12 consecutive months in which the station has not had any additional violations charged against it that could result in additional points. The 12-month period starts at the date of the last violation resulting in points or from the date of restoration of a suspension resulting from an accumulation of points, whichever occurred last.

(c) *Subsequent violations.* Determination of second and subsequent violations is made on the basis of previous violations in the same category within a 3-year period.

(d) *Multiple violations.* In the case of multiple violations, considered at one time, the Department will impose separate penalties for each violation as required by the schedule. The Department may direct that a suspension be served concurrently. If the Department permits a station to accept points in lieu of a suspension, the points will be assigned for the more serious violation affecting

each vehicle. Violations affecting more than one vehicle will be treated as separate violations.

(e) *Application process.* After a suspension has been served, inspection privileges will not be restored until an Official Emission Inspection Update/Official Emission Inspection Station Application has been received and processed by the Department. Upon receipt of an application for reappointment following a suspension of more than 3 months or more, a complete and thorough investigation by the inspection station investigator will be conducted to determine if the applicant qualifies for reappointment under the requirements of the Department. Other applications for reappointment are subject to investigation at the discretion of the Department.

**REGISTRATION RECALL PROCEDURE FOR VIOLATION OF §§ 177.301—177.305 (RELATING TO ON-ROAD RESTING)**

**§ 177.691. Registration Recall Committee.**

(a) *Composition.* The Registration Recall Committee (Committee) of the Department will consist of a Vehicle Registration Section manager, an Emission Inspection Section manager and the Director of the Bureau or a designee.

(b) *Frequency of meetings of Registration Recall Committee.* The Committee will meet on the first Monday of each month and as needed.

(c) *Basis of recalling registrations.* The Committee will recall the vehicle registration when the following conditions are met:

(1) The contractor forwards documentation to the Department that a subject vehicle has failed to pass an on-road emissions test.

(2) The vehicle owner or operator of the vehicle has failed to produce within 30 days of the failure of the on-road emission test evidence that the vehicle has passed a retest or evidence of an emission test waiver.

(d) *Determination of the Committee.* Upon a determination by the Committee that the subject vehicle had failed an on-road emission test and that the owner or operator of the subject vehicle had failed to produce evidence of a correction of the failure or a waiver, the Committee will issue a letter to the owner or operator of the subject vehicle recalling the vehicle registration until proof of passing an emission test or receiving a waiver has been submitted to the Department.

(e) *Appeal.* An appeal from the recall of vehicle registration under this section shall be commenced consistent with Chapter 491 (relating to administrative practice and procedure).

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