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PENNSYLVANIA BULLETIN

Volume 26

Number 14

Saturday, April 6, 1996 • Harrisburg, Pa.

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Approval of Provider Contracting
Arrangements Between HMOs and
PHOs, POs and IDSs
and
Insurance Department
Contractual Arrangements Between
HMOs and IDSs

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Pennsylvania Infrastructure Investment
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(Master Transmittal Sheet):**

No. 257, April 1996

PENNSYLVANIA

BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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

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Part II

This part contains the
Department of Health
Approval of Provider Contracting Arrangements
Between HMOs and PHOs, POs and IDSs
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THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

Proposed Rules of Procedure; Court of Judicial Discipline Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 27th day of March, 1996, the Court of Judicial Discipline hereby enters the following *Order*:

1. Pursuant to Article V, Section 18(b)(4) of the Constitution of Pennsylvania, the Court of Judicial Discipline proposes to adopt new Rule 113, in the following form.

2. The Court of Judicial Discipline requests that interested persons submit suggestions, comments or objections not later than thirty days from the date of publication of this Order in the *Pennsylvania Bulletin* to Wanda W. Sweigart, Court Administrator, 200 North Third Street, P. O. Box 1106, Harrisburg, Pennsylvania, 17108-1106.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

Rule 113. Lodging of Transcripts.

When the Court or a party directs the court reporter to transcribe the notes of testimony taken at a hearing or trial, the Clerk, upon receiving the transcript, shall notify the parties that the transcript has been lodged with the Court. The parties shall have 10 days from the date of notification to file objections to the transcript. The parties shall serve copies of objections upon the other party. The Court may conduct a hearing on the objections. If no objections or exceptions are filed, the transcript will be approved by the Court as of course.

[Pa.B. Doc. No. 96-527. Filed for public inspection April 5, 1996, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Amendments to Rules of Criminal Procedure; No. 310M96

Order

And Now, this 12th day of March, 1996, the following amendment to the Chester County Rules of Criminal Procedure is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.Crim.P. 6(d).

THOMAS G. GAVIN,
President Judge

Rule 101A.1. Approval by District Attorney of Complaints and Arrest Warrants.

The District Attorney of Chester County having filed a certification pursuant to Pa.R.Crim.P. 101A, criminal complaints and arrest warrant affidavits by police officers as defined in the Rules of Criminal Procedure, charging the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing:

Criminal Homicide in violation of 18 Pa.C.S. § 2501; Murder in any degree in violation of 18 Pa.C.S. § 2502; Voluntary Manslaughter in violation of 18 Pa.C.S. § 2503; **Involuntary Manslaughter in violation of 18 Pa.C.S. § 2504**; Rape in violation of 18 Pa.C.S. § 3121; **Statutory Sexual Assault in violation of 18 Pa.C.S. § 3122.1**; Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S. § 3123; **Sexual Assault in violation of 18 Pa.C.S. § 3124.1**; **Aggravated Indecent Assault in violation of 18 Pa.C.S. § 3125**; Spousal Sexual Assault in violation of 18 Pa.C.S. § 3128(a) or (b); Arson in violation of 18 Pa.C.S. § 3301; Robbery in violation of 18 Pa.C.S. § 3701(a)(1)(i), (ii), (iii); Homicide by Vehicle in violation of 75 Pa.C.S. § 3732; Homicide by Vehicle while Driving Under Influence in violation of 75 Pa.C.S. § 3735.

Any criminal complaint filed against a person who is under 18 years of age under circumstances where the law authorizes such person to be charged as if he or she were an adult.

[Pa.B. Doc. No. 96-528. Filed for public inspection April 5, 1996, 9:00 a.m.]

CUMBERLAND COUNTY

Rules of the Court of Common Pleas; No. 96-1335
Civil Term

Order of Court

And Now, this 12th day of March, 1996, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective May 1, 1996, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Prothonotary is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in MS DOS reflecting the text in the hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

By the Court

HAROLD E. SHEELY,
President Judge

DISCOVERY MOTIONS

Rule 4001-1. All motions and petitions regarding discovery in civil cases, including, but not limited to, motions to compel, for protective orders and for sanctions, shall be

filed, with the Prothonotary who will transmit the motion/petition to the Court Administrator for assignment to a judge. Any answer or response to an order or rule shall be filed, initially, with the Court Administrator who shall refer same to the judge assigned prior to filing with the Prothonotary.

Adopted November 10, 1990, effective November 30, 1990.

Amended April 1, 1996, effective May 1, 1996.

[Pa.B. Doc. No. 96-529. Filed for public inspection April 5, 1996, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 25 Miscellaneous 1996

Adopting Order

Now, this 21 day of March, 1996, it is hereby *Ordered*:

1. The following designated Somerset County Rule of Civil Procedure (Som.R.C.P.), as follows, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 206.4. Form of Petition. Rule To Show Cause. Adoption Of Alternative Procedure.

2. Som.R.C.P. 209.1, relating to stay of proceedings, is hereby amended to read in its entirety, as reflected in the revised Som.R.C.P. 209.1, as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. Upon the effective date of the Rule designated above in Paragraph 1 of this Order, the following presently existing Somerset Rule of Civil Procedure is rescinded:

Som.R.C.P. 207. Form of Petition.

4. The Somerset County Court Administrator shall:

A. File ten (10) certified copies of this Order and the

attached Rules with the Administrative Office of Pennsylvania Courts;

B. Distribute two (2) certified copies of this Order and the attached Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. File one (1) certified copy of this Order and the following Somerset County Rules of Civil Procedure with the Pennsylvania Civil Procedural Rules Committee; and

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

Petition And Motion Practice

Som.R.C.P. 206.4. Form Of Petition. Rule To Show Cause. Adoption Of Alternative Procedure.

The procedure specified in Pa.R.C.P. 206.6 is adopted to govern petition practice in the Sixteenth Judicial District, and, accordingly, upon the filing of a petition, a Rule shall issue as of course, unless otherwise required by statute, or other Pennsylvania Rule of Civil Procedure.

Note: In some cases, another Rule of Civil Procedure may require Court review of a petition before the Rule issues. *See, e.g.,* Pa.R.C.P. 2959(b) (before rule issues, determination must be made whether or not a petition to strike or open confessed judgment states prima facie grounds for relief).

Som.R.C.P. 209.1. Stays.

When a stay of proceedings is sought, a special stay order shall be prepared and attached to the Petition and presented to the Court in accordance with Motions Judge practice.

(Formerly R35-107).

[Pa.B. Doc. No. 96-530. Filed for public inspection April 5, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 50]

Restroom Equity

The Department of Labor and Industry (Department), by this order, adopts regulations at Chapter 50 (relating to restroom equity) as set forth in Annex A.

A. *Effective Date*

These regulations are effective immediately upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information, the contact person is Edward L. Leister, Administrator, Buildings Division, Bureau of Occupational and Industrial Safety, 1529 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 787-3323.

C. *Statutory Authority*

These regulations are adopted under the authority contained in section 4 of the Restroom Equity Act (act) (35 P. S. § 5820.4).

D. *Background and Purpose*

The act was adopted to mitigate the delays which women face when they need to use restroom facilities in certain places. These regulations satisfy the act's requirement that the Department adopt, by regulation, standards with respect to all public and private facilities covered by the act.

E. *Public Comments*

Notice of proposed rulemaking was published at 23 Pa.B. 6078 (December 25, 1993) and set forth a 30-day public comment period.

F. *Summary of Comments and Changes from Proposed Rulemaking*

The Department received comments about the proposed regulations from the Independent Regulatory Review Commission (IRRC). The Department received no other comments.

Section 50.81. Purpose

The Department has incorporated IRRC's suggestion that the act be referred to by its title and its Purdon's citation.

Section 50.82. Jurisdiction and Effective Dates

IRRC questioned the statutory basis for the proposed language which would restrict the application of the regulations to facilities that can accommodate more than 300 persons. In accordance with IRRC's recommendation, the Department has deleted this limitation.

IRRC asked the Department to more clearly define its jurisdiction with regard to specialty event centers and community and municipal parks with a seating capacity for 500 or more persons. The Department has revised the final rulemaking to clarify that the regulations apply to specialty event centers whether or not they are located in

public parks. However, if a specialty event center is located in a community or municipal park, it is subject to the regulations only if it has a seating capacity for 500 or more persons. This language directly reflects the statutory language.

IRRC questioned the proposed regulation which limited the requirement for seating capacity to "fixed" seating capacity. The final rulemaking deletes any reference to "fixed" seating capacity; it merely refers to seating capacity.

IRRC questioned the application of the proposed regulations to existing facilities. First, it questioned the statutory basis of the proposed regulations which would apply only if a renovation would cause the capacity of the facility to increase. The Department has revised the final rulemaking to delete this requirement.

Second, it questioned the proposed regulation which would not limit its application to rehabilitations of existing facilities involving more than 50% of the gross floor area or volume of the entire building. The Department has substantially revised its rulemaking to reflect IRRC's concern and to conform exactly to the statutory language.

Third, IRRC noted that the act applies only to the portion of the building which is being renovated and not to the entire building. The Department has revised its final rulemaking to specifically reflect this provision of the act.

Section 50.83. Restroom Requirements

IRRC requested the Department provide to it information which supports the reasonableness of the ratio which the Department proposes to adopt, that is, at least two water closets for women for each water closet for men. The Department surveyed 11 states and cities and found little uniformity in either the ratio adopted or the facilities to which the ratios are applied. However, Massachusetts and Virginia apply a two-to-one ratio under basically the same circumstances as this regulation. The state of New York and Cedar Rapids, Iowa, apply a one-to-one ratio, but in New York the ratio applies only to new facilities. Florida applies a three-to-two ratio in new construction with an assembly occupancy. Illinois applies different ratios depending upon the type and size of the facility. Wisconsin has adopted no specific ratio. In Tennessee, the ratio is to be determined by the State building commission. New Jersey utilizes the National Standard Plumbing Code (NSPC) which uses a ratio of one to one. Michigan applies the BOCA Code to assembly areas in government units for new construction only; BOCA uses a ratio of two to one. Tucson, Arizona, applies the Uniform Plumbing Code which uses a ratio of three to one. Based on all the information available to it, the Department believes the ratio adopted by the final rulemaking is reasonable.

Also, IRRC suggested that the Department revise the proposed regulation to note specifically that the ratio applies to "temporary or permanent" water closets. The Department has not adopted the exact language proposed by IRRC but has added two sentences to this section to provide that the ratio must be applied separately to temporary water closets and permanent water closets. The Department was concerned that additional temporary facilities would be provided for women to meet the overall

ratio; for example, one permanent and one temporary water closet would be provided for women and one permanent water closet would be provided for men.

Section 50.84. Enforcement

IRRC proposed alternate language for this section. The final rulemaking adopts IRRC's suggested language.

Section 50.86. Variances

IRRC questioned the Department's authority to grant variances from the requirements of the regulations. The Department believes that it does have authority to grant variances. Section 3 of the act (35 P. S. § 5820.3) provides, in part, that:

"Facilities shall conform with and be approved by the Department in accordance with the provisions of the act of April 27, 1927 (P. L. 465, No. 299), referred to as the Fire and Panic Act."

Section 2214 (d) and (h)(2) of The Administrative Code of 1929 (71 P. S. § 574(d) and (h)(2)) provides that the Industrial Board has authority to grant variances with respect to the Fire and Panic Act. Since the approval process under the Fire and Panic Act includes an opportunity for variances to be granted, the Department believes that variances may also be granted with respect to this act.

Finally, IRRC expressed concern that unscrupulous owners may circumvent the spirit of the act and regulations by eliminating restrooms or not providing restrooms. Unfortunately, the act does not require that any restrooms be required; furthermore, the Department knows of no law which requires a specific number of restrooms to be provided.

G. Benefits and Costs

Affected Persons

The regulations will affect women because the delays which women face when they need to use restroom facilities in public places covered by the act will be mitigated. Building owners will also be affected because they will be required to construct new buildings and renovate existing buildings in compliance with the regulations.

Fiscal Impact and Paperwork

The regulations will increase costs to State and local governments and private entities within this Commonwealth by requiring twice as many toilet facilities for women as for men in new and renovated buildings covered under the act.

Most of the buildings which are subject to the regulations are also subject to the Fire and Panic Act. Building owners are required to submit detailed architectural plans to the Department before any building subject to the Fire and Panic Act is erected or renovated. The plan approval process under the regulations has been integrated with the plan approval process under the Fire and Panic Act. Thus, there will be no additional paperwork required by the regulations.

H. Sunset Date

A sunset date is not appropriate because these standards will be necessary as long as buildings or structures covered under the act or regulations are being built or renovated.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 10, 1993, the Department submitted a copy of the notice of proposed rulemaking published at 23 Pa.B. 6078 (December 25, 1993), to IRRC and to the Chairpersons of the House Committee on Labor Relations and the Senate Committee on Labor and Industry. In accordance with section 5(b.1) of the Regulatory Review Act, the Department provided the Committees with a copy of IRRC's comments.

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

These final-form regulations were deemed approved by the House and Senate Committees on February 8, 1996. IRRC met on February 7, 1996, and approved the regulations in accordance with section 5(c) of the Regulatory Review Act.

J. Findings

The Department finds that:

(1) Public notice of the intention to adopt these regulations was given in accordance with sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) Modifications to the proposed text do not enlarge the original purposes or the scope of the proposed regulations.

(4) These regulations are necessary and appropriate to the administration and enforcement of the act.

K. Order

The Department, acting in accordance with the authorizing statutes, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapter 50, are amended by adding §§ 50.81—50.86 to read as set forth in Annex A.

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

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

(d) The regulations, as set forth in Annex A, shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHNNY J. BUTLER,
Secretary

Fiscal Note: 12-36. No fiscal impact, (8) recommends adoption. There will be minor administrative costs to the Commonwealth which have been provided for in Fiscal Year 1995-96. Additional costs to provide for a restroom will be incurred when new restrooms are added to an existing building or when an existing building is renovated. The additional cost per restroom is unknown.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 814 (February 24, 1996).)

Annex A

TITLE 34. LABOR AND INDUSTRY

PART I. DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 50. GENERAL REQUIREMENTS—BUILDINGS

RESTROOM EQUITY

§ 50.81. Purpose.

The purpose of this section and §§ 50.82—50.86 is to implement the act of December 17, 1990 (P. L. 742, No. 185) (35 P. S. §§ 5820.1—5820.6), known as the Restroom Equity Act of 1990, the purpose of which is to mitigate the inequitable delays which women face when they need to use restroom facilities in public places.

§ 50.82. Jurisdiction and effective dates.

(a) *Application.* Section 50.81, this section and §§ 50.83—50.86 apply to facilities where the public congregates: sports and entertainment arenas, stadiums, community and convention halls, specialty event centers, amusement facilities, ski resorts, public middle schools and high schools and community and municipal parks with a seating capacity of 500 or more persons. If a specialty event center is located in a community or municipal park, it is subject to § 50.81, this section and §§ 50.83—50.86 if it has seating capacity for 500 or more persons.

(b) *Exemptions.* Section 50.81, this section and §§ 50.83—50.86 do not apply to the following:

(1) Hotels. For purposes of § 50.81, this section and §§ 50.83—50.86, "hotel" means an establishment in which there exists the relationship of guests and innkeeper between the occupants and the owner or operator of the establishment. The existence of some other legal relationship between the occupants and the owner or operator shall be immaterial.

(2) Public eating or drinking places defined in the act of May 23, 1945 (P. L. 926, No. 369), known as the Public Eating and Drinking Place Law.

(3) Community and municipal parks with seating capacity for less than 500 persons.

(c) *Effective dates.* The effective dates for § 50.81, this section and §§ 50.83—50.86 are as follows:

(1) *New facilities where the public congregates.* Implementation of § 50.81, this section and §§ 50.83—50.86 will be based upon contracts for design or construction executed on or after April 6, 1996.

(2) *Existing facilities where the public congregates.* Implementation of § 50.81, this section and §§ 50.83—50.86 will be based upon contracts for the design or construction of the renovation executed on or after April 6, 1996.

(d) *Renovating existing facility.* An existing facility where the public congregates will be considered to be renovated if one of the following applies:

(1) Its rehabilitation requires more than 50% of the gross floor area or volume of the entire building to be rebuilt, not including cosmetic work such as painting, wall covering, wall paneling, floor covering and suspended ceiling work.

(2) An addition is made to an existing facility where the public congregates.

(e) The requirements of § 50.81, this section and §§ 50.83—50.86 apply only to the portion of the building which is being renovated.

§ 50.83. Restroom requirements.

More water closets shall be provided for women than for men by a minimum ratio of two water closets for women for each water closet for men or for each single use urinal or 20 inches of trough urinal. The ratio shall be applied separately to permanent water closets and temporary water closets. Temporary water closets may not be provided in order to make up the difference between permanent water closets provided for women and permanent water closets provided for men.

§ 50.84. Enforcement and inspections.

(a) The Department of Labor and Industry will be responsible for the enforcement of §§ 50.81—50.83, this section and §§ 50.85 and 50.86, except in cities of the first class, second class and second class A, where the cities shall be responsible for enforcement of §§ 50.81—50.83, this section and §§ 50.85 and 50.86. The Department or other enforcement agency will not issue a permit authorizing the use or occupancy of a building until the provisions of §§ 50.81—50.83, this section and §§ 50.85 and 50.86 are met.

(b) For the purpose of enforcing the provisions of §§ 50.81—50.83, this section and §§ 50.85 and 50.86, the Department and the other enforcement agencies will:

(1) During ordinary business hours, have access to, and require the production of books, papers and documents pertinent to an inspection necessary to ascertain the compliance or noncompliance with the act and this chapter.

(2) During ordinary business hours, enter a building or structure governed under §§ 50.81—50.83, this section and §§ 50.85 and 50.86 for the purpose of making an inspection.

§ 50.85. Approval of plans.

It is the duty of the owner, or the owner's representative, of every building or structure covered by §§ 50.81—50.84, this section and § 50.86, to submit to the Department or other enforcement agency, for approval, architectural drawings, specifications or other data required by § 49.3 (relating to submission of plans) to show compliance with §§ 50.81—50.84, this section and § 50.86, prior to the beginning of construction, remodeling or alteration of a building or structure.

§ 50.86. Variances.

Requests for variances from the requirements of §§ 50.81—50.85 and this section shall be submitted to the Industrial Board of the Department of Labor and Industry in accordance with § 49.15 (relating to appeals to the Board) or the appropriate variance board of enforcement agencies in first class, second class and second class A cities.

[Pa.B. Doc. No. 96-531. Filed for public inspection April 5, 1996, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 138h]

Agricultural Land Conservation Assistance Grant Program

The Department of Agriculture (Department) proposes to adopt Chapter 138h (relating to agricultural land conservation assistance grant program) under the authority of sections 7.1 and 7.3 of the act of June 18, 1982 (P. L. 549, No. 159) (act) (3 P. S. §§ 1207.1 and 1207.3). The act authorizes the Department to award grants to counties for designated purposes related to the conservation of agricultural land and empowers the Department to promulgate regulations necessary to support such a grant program.

In summary, the act authorizes the Department to expend up to \$750,000 from the Agricultural Conservation Easement Purchase Fund in grants to individual counties to facilitate the implementation or improvement of agricultural conservation easement purchase programs. Grants may be awarded for costs incurred by counties in creating spatial mapping databases, training staff, contracting with consultants, purchasing computer software and developing and implementing agricultural zoning ordinances.

The act also requires the Department to consult with the State Agricultural Land Preservation Board (State Board) in expending grant funds, establishing grant eligibility requirements and developing regulations for the grant program. To this end, the Department presented the proposed regulations to the State Board for its review. The State Board voted its unanimous approval of the proposed regulations at its July 13, 1995, meeting.

The proposed regulations would establish a grant eligibility, application and review process that is procedurally similar, in many respects, to the Agricultural and Rural Youth Organization Grant Program Guidelines in Chapter 138f.

Proposed § 138h.1 (relating to program objectives) sets forth the goal of the Agricultural Land Conservation Assistance Grant Program (grant program): to encourage the implementation and effectiveness of agricultural conservation easement purchase programs in each eligible county.

Proposed § 138h.3 (relating to limitations on grants) clarifies that an individual county may not receive a cumulative total of more than \$25,000 in grants, and that individual grants may not exceed the lesser of \$10,000 or 50% of the costs of the county project for which the grant funds are sought. These restrictions appear in section 7.3(b) and (d) of the act.

Proposed § 138h.4 (relating to uses of grant funds) emphasizes the necessity of State Board approval of individual grant project budgets and is consistent with the emphasis which the act places upon State Board participation in the grant process. It also repeats the statutory purposes for which grants may be awarded.

Proposed § 138h.5 (relating to eligibility criteria) establishes the eligibility criteria called for under section 7.3(d) of the act. Projects will be evaluated and ranked using

criteria that measure the relative impact each project will have upon the preservation of agricultural land.

Proposed §§ 138h.6—138h.8 (relating to applications generally) filing applications; and review of application by State Board) set forth general grant application time-tables and procedures.

Proposed § 138h.10 (relating to grant agreement) requires that the terms and conditions under which a grant is to be awarded be the subject of a written grant agreement.

Proposed §§ 138h.11 and 138h.15 (relating to verification of use; and final report) require a grant recipient to submit written receipts accounting for the total amount of the project's costs within 3 months of project completion, and to submit a final report within that period.

Proposed § 138h.12 (relating to grant cancellation) allows the Department to cancel a grant if grant funds are not expended in accordance with the grant agreement. In addition, a county shall either establish a State Board-approved agricultural conservation easement purchase program within 3 years of the date of its first grant agreement with the Department or return all grant funds to the Department.

Proposed § 138h.14 (relating to records) requires a grant recipient to maintain financial records regarding the expenditure of grant funds for at least 7 years from the date final payment of grant funds is made by the Department.

The proposed regulations will make it easier for counties to accomplish certain projects that, although requisite to the development and ongoing effectiveness of agricultural conservation easement purchase programs, involve expenses that some counties have been unable or unwilling to incur in the absence of matching State funding.

Fiscal Impact

Commonwealth

The proposed regulations will impose no costs and have no fiscal impact upon the Commonwealth. Although the act allows for up to \$750,000 to be awarded in grants, this grant money will originate from the Agricultural Conservation Easement Purchase Fund on a funds-available basis.

Political Subdivisions

The proposed regulations will impose no costs and have no fiscal impact upon political subdivisions. If a county seeks grant funds for a project permitted under the act, though, it must pay at least 50% of the project's costs.

Private Sector

The proposed regulations will impose no costs and have no fiscal impact upon the private sector.

General Public

The proposed regulations will impose no costs upon the general public.

Paperwork Requirements

The proposed regulations will not result in an appreciable increase in paperwork. The Department will issue grant application forms to interested persons, and will review these forms with the assistance of the State Board. Paperwork will be minimal.

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 March 27, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. In addition to the proposed regulations, the Department 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 an objection to any portion of the proposed regulations, it must 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 the objections raised.

Contact Person

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin*. Comments may be submitted to the Department of Agriculture, Bureau of Farmland Protection, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Fred Wertz.

Effective Date

The proposed regulations will become effective upon final adoption.

CHARLES C. BROSIUS,
Secretary

Fiscal Note: 2-100. (1) General Fund; (2) Implementing year is 1994-95 \$minor; (3) 1st succeeding year is 1995-96 \$minor; 2nd succeeding year is 1996-97 \$minor; 3rd succeeding year is 1997-98 \$minor; 4th succeeding year is 1998-99 \$minor; 5th succeeding year is 1999-00 \$minor; (4) Three year history of program costs: NA; (7) Agricultural Conservation Easement Administration; (8) recommends adoption.

Annex**TITLE 7. AGRICULTURE****PART V-C. FARMLAND AND FOREST LAND****CHAPTER 138h. AGRICULTURAL LAND CONSERVATION ASSISTANCE GRANT PROGRAM**

Sec.

- 138h.1. Program objectives.
- 138h.2. Definitions.
- 138h.3. Limitations on grants.
- 138h.4. Uses of grant funds.
- 138h.5. Eligibility criteria.
- 138h.6. Applications generally.
- 138h.7. Filing applications.
- 138h.8. Review of application by State Board.
- 138h.9. Notice of disposition of application.
- 138h.10. Grant agreement.
- 138h.11. Verification of use.
- 138h.12. Grant cancellation.
- 138h.13. Deficits.
- 138h.14. Records.
- 138h.15. Final report.

§ 138h.1. Program objectives.

(a) Through the awarding of grants and the placing of conditions upon how grant funds are to be spent, the

Program will fund projects which will increase the protection and preservation of agricultural land within this Commonwealth by encouraging the implementation and effectiveness of agricultural conservation easement purchase programs in each eligible county. A grant will only be awarded to a county whose governing body has appointed an agricultural land preservation board, even though the county may not have an easement purchase Program approved by the State Board under authority of the Agricultural Area Security Law (3 P. S. §§ 901—915).

(b) Grant requests and related documentation will be received by the Department and reviewed by the State Board, which will recommend approval, modification or rejection of each eligible grant request. If the State Board recommends approval of a particular eligible grant request as submitted or as modified, the Secretary will then have full authorization to execute a grant agreement.

§ 138h.2. Definitions.

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

Applicant—An eligible county acting through and with the approval of its agricultural land preservation board.

Department—The Department of Agriculture of the Commonwealth.

Eligible county—A county, not of the first class, whose governing body has passed a resolution forming a county agricultural land preservation board in accordance with the Agricultural Area Security law (3 P. S. §§ 901—915) and appointed members to the board by the date of application.

Program—The Agricultural Land Conservation Assistance Grant Program.

Secretary—The Secretary of the Department.

State Board—The State Agricultural Land Preservation Board.

§ 138h.3. Limitations on grants.

(a) The maximum amount of any grant is \$10,000.

(b) For projects costing less than \$20,000, the maximum grant will be 50% of the project cost.

(c) A county is not eligible for more than a cumulative total of \$25,000 in grants under the Program.

(d) The total amount of grant funds which may be awarded will not exceed \$750,000 of the funds deposited into the Agricultural Conservation Easement Purchase Fund under section 7.1(a) of the act of June 18, 1982 (P. L. 549, No. 159) (3 P. S. § 1207.1(a)). The amount of grant funds awarded in any particular year will be determined by the State Board, depending on the availability of the funds.

§ 138h.4. Uses of grant funds.

(a) *Conformity to application.* Grant funds awarded to an applicant shall be expended solely for the specific projects described in the grant application in accordance with the project budget approved by the State Board and shall be expended within the time period specified in the grant agreement.

(b) *Pennsylvania projects.* Grant funds awarded to an applicant under the Program shall be used only to fund projects within the geographic boundaries of this Commonwealth.

(c) *Allowable expenditures of grant funds.* Grant funds shall be used for one or more of the following purposes:

(1) To cover costs incurred by an applicant in creating a spatial mapping database. The database shall, at a minimum, contain county topographic data, property boundaries, soil boundaries, soil capability classes and soil productivity ratings.

(2) To cover costs incurred by an applicant to develop and implement agricultural zoning ordinances, including model ordinances for possible adoption by local government units.

(3) To cover costs incurred by an applicant to train staff, contract with consultants, and pay for computer software directly linked to reaching the objectives in paragraphs (1) and (2), or to reaching the objective of a fully approved and functioning county agricultural conservation easement purchase program. General-use word processing and spreadsheet software will not qualify.

§ 138h.5. Eligibility criteria.

(a) *General.* The Program will not accept applications for projects which are already in progress, or completed, for an eligible county.

(b) *Specific.* The following specific criteria will be used to evaluate and rank applications for funding consideration:

(1) The acceptability of costs within the proposed budget.

(2) The availability of funding for the project from a source other than the Commonwealth.

(3) The extent to which the project shall impact upon the goal of preserving agricultural lands within this Commonwealth.

(4) The relevance of the project to encouraging the preservation of agricultural lands.

(5) The geographic scope of the project and the amount of agricultural land which will be affected by the project described in the application.

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

(7) The innovativeness of the project.

(8) The anticipated date of full implementation of an Agricultural Conservation Easement Purchase Program.

§ 138h.6. Applications generally.

(a) *Application required.* Applicants shall submit a written grant application to the Department through their county agricultural land preservation boards.

(b) *Obtaining an application.* Applications for grants under this chapter shall be made on forms prepared by the Department. The forms will be furnished, upon request, by the Department.

(c) *Additional documentation.* The State Board and the Secretary may require an applicant to submit additional documentation to complete or verify the application form. The additional documentation may include a letter, affidavit or other documentation, to:

(1) Verify the legitimacy of the eligible county's agricultural land preservation board.

(2) Verify grant funds will be used for one or more of the purposes in § 138h.4 (relating to uses of grant funds).

(3) Confirm the applicant has secured funds from another source for the project for which the grant is requested.

(4) Obtain from a third party which is providing matching funds to a grant applicant a recommendation that a grant under this chapter be awarded the applicant and verifying that its contribution of funds to the project would not be available without a grant from the Department.

§ 138h.7. Filing applications.

(a) *Place and time.* An application for a grant under the Program shall be received by the program administrator at the Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408, during the specific 45-day annual application period as advertised in the *Pennsylvania Bulletin*. The advertisement will be published at least 30 days prior to the commencement of the application period.

(b) *Incomplete or inaccurate applications.* The Department will review each timely application and supporting documentation submitted therewith, for completeness and accuracy. If a timely application is found to be incomplete or inaccurate, the Department may request additional information and may discontinue further processing of the application if the documentation is not received by the Department within the 45-day application period described in subsection (a).

§ 138h.8. Review of application by State Board.

(a) *Transmittal of application to State Board.* When the Department determines a grant application is complete and accurate, it will forward this application, together with supporting documentation submitted therewith, to the State Board for review at its next regularly scheduled meeting. Since all applications are to be submitted and completed within the same time period, all applications for funding will be transmitted to the State Board at the same time.

(b) *Factors.* The State Board will review and evaluate the application and supporting documentation and will consider the factors in § 138h.5(a) and (b) (relating to eligibility criteria) in deciding whether to recommend approval or rejection of the grant requests.

(c) *Decisions.* When the State Board has reviewed the grant application and supporting documentation, it will vote on whether to recommend approval or rejection of the grant application. The State Board will vote on these projects in accordance with its bylaws. The State Board may also recommend the grant be awarded in an amount less than that requested in the grant application. In addition, the State Board may vote to recommend the imposition of restrictions or special conditions upon the issuance of a grant. If the State Board recommends approval of a particular grant application, the Secretary will execute the grant agreement if funding is available and all other conditions have been met.

§ 138h.9. Notice of disposition of application.

The Department will mail to the applicant written notice of the acceptance or rejection of a grant application within 30 days of a decision in this regard. This notice will be by regular mail to the address indicated by the applicant on the grant application form.

§ 138h.10. Grant agreement.

After the State Board approves a grant application, and as a precondition to the Department's release of grant funds to a successful applicant, the Department and the

applicant shall execute a written grant agreement which describes the terms and conditions subject to which the grant is made. The grant agreement shall contain and conform to the requirements of this chapter and applicable State laws. It shall also contain any special terms and conditions required by the State Board and the Secretary.

§ 138h.11. Verification of use.

(a) *Verification.* Within 3 months of the earlier of the time period specified in the grant agreement or the completion of the project, the grant recipient shall submit to the Department written receipts accounting for the total amount of the project costs. The Department may also require that additional documentation be submitted by the grant recipient in order to document the expenditure of grant funds.

(b) *Extension of time.* The 3-month period described in subsection (a) may only be extended by the written permission of the Secretary. An extension shall be for a specific period of time.

(c) *Failure to verify use.* If required receipts or documentation are not submitted to the Department as described in subsections (a) and (b), or if the grant funds or a portion thereof are unaccounted for, 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 the written demand.

§ 138h.12. Grant cancellation.

(a) *Misuse of funds.* A grant may be canceled by the Department if the Secretary determines 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 entire grant sum, or a portion thereof, and the grant recipient shall repay the sum in the manner described in § 138h.11(c) (relating to verification of use).

(b) *Failure to meet Program goal.* If, within 3 calendar years of the date of the first grant agreement to that county, the eligible county does not have a State-approved Program in place at the county level, the grant funds provided to the eligible county under this chapter shall be returned to the Department in full in the manner described in § 138h.11(c).

§ 138h.13. Deficits.

The Department's financial obligation or liability is limited to the amount of the grant. The Department will not be financially responsible for program cost overruns incurred by grant recipients, or any other costs involved in meeting the Program goal.

§ 138h.14. Records.

(a) The applicant shall maintain books, records and other evidence pertinent to costs incurred in connection with the project. The books and records shall be maintained according to generally-accepted accounting principles.

(b) Financial records, supporting documents, statistical records and other records pertaining to the grant shall be retained by the applicant for 7 years following the date final payment is made. The records and documents shall be available for inspection or audit by the Commonwealth, its agencies and instrumentalities during this time period.

§ 138h.15. Final report.

Within 3 months of the date of completion of the project, the grant recipient shall submit a final report delineating the progress made towards meeting the objectives set forth in the initial grant application.

[Pa.B. Doc. No. 96-532. Filed for public inspection April 5, 1996, 9:00 a.m.]

[7 PA. CODE CH. 110]

Noxious Weeds

The Department of Agriculture proposes to amend § 110.1 (relating to noxious weed control list). The amendment is proposed under the authority of sections 3(b)(8) and 9 of the Noxious Weed Control Law (act) (3 P. S. §§ 255.3(b)(8) and 255.9) which, respectively, require the Department to establish by regulation a noxious weed control list, prescribe certain plants to be included on that list and empower the Department to adopt regulations necessary to implement the act.

This proposed amendment would delete *Cichorium intybus* (commonly known as chicory or succory or blue daisy) from that list and add *Lythrum salicaria* (commonly known as Purple Loosestrife).

The Noxious Weed Control Committee (Committee) was established under the act as an administrative board of the Department. The act vested the Committee with the responsibility to establish by regulation a noxious weed control list, and to add plants to that list or delete plants from that list following public hearing.

Deletion of Cichorium intybus from the list

Initially, it should be noted that the current regulation at § 110.1 misspells "*Cichorium*."

On March 6, 1986, the Committee held a public hearing at which it considered the question of whether *Cichorium intybus* should remain on the noxious weed control list.

Cichorium intybus has great potential value as a forage crop. In addition, farmers have shown an increasing interest in growing *Cichorium intybus*. At the public meeting on this subject, the Committee recommended that *Cichorium intybus* be deleted from the noxious weed control list and that the Department pursue the amendment to section 8 of the act (3 P. S. § 255.8) that would be a necessary prerequisite to deleting that plant from the noxious weed control list.

Act 71 of 1994 (effective July 7, 1994) amended section 8 of the act and deleted the requirement that *Cichorium intybus* appear on the noxious weed control list.

In light of the facts that: (1) the recent amendment to the act allows *Cichorium intybus* to be deleted from the noxious weed control list; (2) the Committee held a public hearing on this subject as required by the act; and (3) the Committee and the Department agree that there is no agricultural or commercial reason to leave *Cichorium intybus* on the noxious weed control list, and the Department proposes to delete that plant from § 110.1.

Addition of Lythrum salicaria to the list

On June 13, 1994, the Committee held a public hearing on the question of whether *Lythrum salicaria* should be added to the noxious weed control list. *Lythrum salicaria* is a wetland plant indigenous to Europe and Asia, but has found its way into wetlands in the United States. This plant thrives in the absence of the insects and diseases that controlled it in Europe and Asia. It clogs waterways,

crowds-out native plant species and decreases the population of animals that are dependent upon native plant species for survival.

As a result of the June 13, 1994, public hearing, the Committee directed that *Lythrum salicaria* be added to the noxious weed control list.

The proposed amendment would update the noxious weed control list to reflect the recently-discovered benefits of *Cichorium intybus* and the increasing potential for harm to property caused by *Lythrum salicaria*.

Fiscal Impact

Commonwealth

The proposed amendment would impose no costs and have no fiscal impact upon the Commonwealth.

Political Subdivisions

The proposed amendment would impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The proposed amendment would impose no costs and have no fiscal impact upon the private sector.

General Public

The proposed amendment may impose some costs upon the owner of land infested with *Lythrum salicaria* if the Secretary, under authority of section 5 of the act (3 P. S. § 255.5), declares that land to be in a weed control area and orders weed control measures on the landowner's part.

Paperwork Requirements

The proposed amendment would not result in an appreciable increase in paperwork.

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 amendment on March 27, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. In addition to the proposed amendment, the Department 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 an objection to any portion of the proposed amendment, it must 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 amendment, by the Department, the General Assembly and the Governor of the objections raised.

Contact Person

Interested persons are invited to submit written comments regarding the proposed amendment within 30 days following publication in the *Pennsylvania Bulletin*. Comments may be submitted to the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention Lyle B. Forer.

Effective Date

The proposed amendment will become effective upon final adoption.

CHARLES C. BROSIUS,
Secretary

Fiscal Note: 2-95. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART V. BUREAU OF PLANT INDUSTRY

CHAPTER 110. NOXIOUS WEEDS

§ 110.1. Noxious weed control list.

Under section 3(b) of the Noxious Weed Control Law (3 P. S. § 255.3(b)), the Noxious Weed Control Committee establishes the following noxious weed control list:

* * * * *

(2) [*Chichorium intybus*, commonly known as chicory or succory or blue daisy.]

Lythrum salicaria, commonly known as purple loosestrife.

(3) *Cirsium arvense*, commonly known as [Canadian] Canada thistle.

* * * * *

(5) [*Sorghum*] *Sorghum halepense*, commonly known as Johnson grass.

* * * * *

(10) [*Puerria*] *Pueraria lobata*, commonly known as kudzuvine.

* * * * *

[Pa.B. Doc. No. 96-533. Filed for public inspection April 5, 1996, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective March 20, 1996.

The organization chart at 26 Pa.B. 1561 (April 6, 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. 96-534. Filed for public inspection April 5, 1996, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Insurance Department

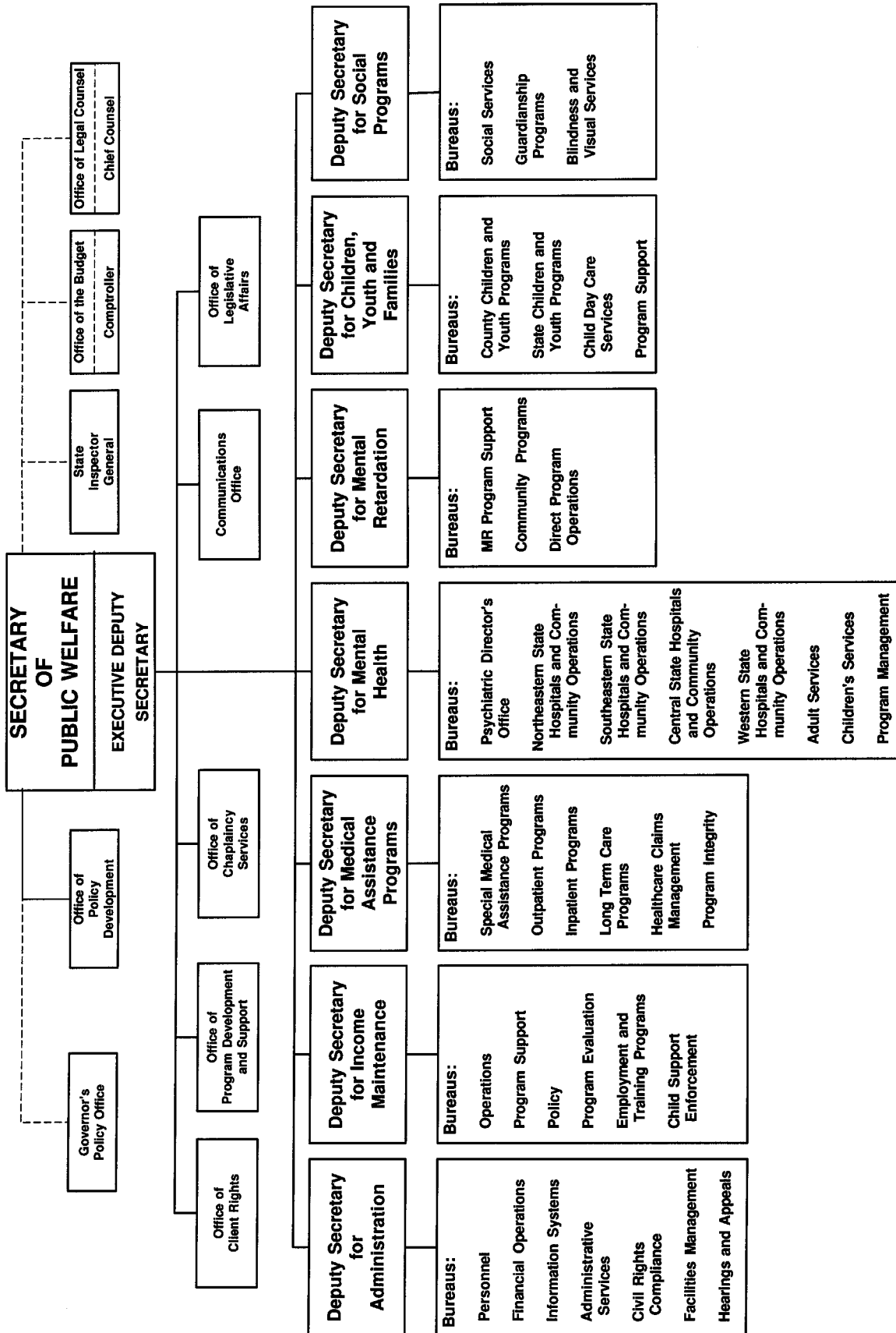
The Executive Board approved a reorganization of the Insurance Department effective March 26, 1996.

The organization chart at 26 Pa.B. 1562 (April 6, 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*).

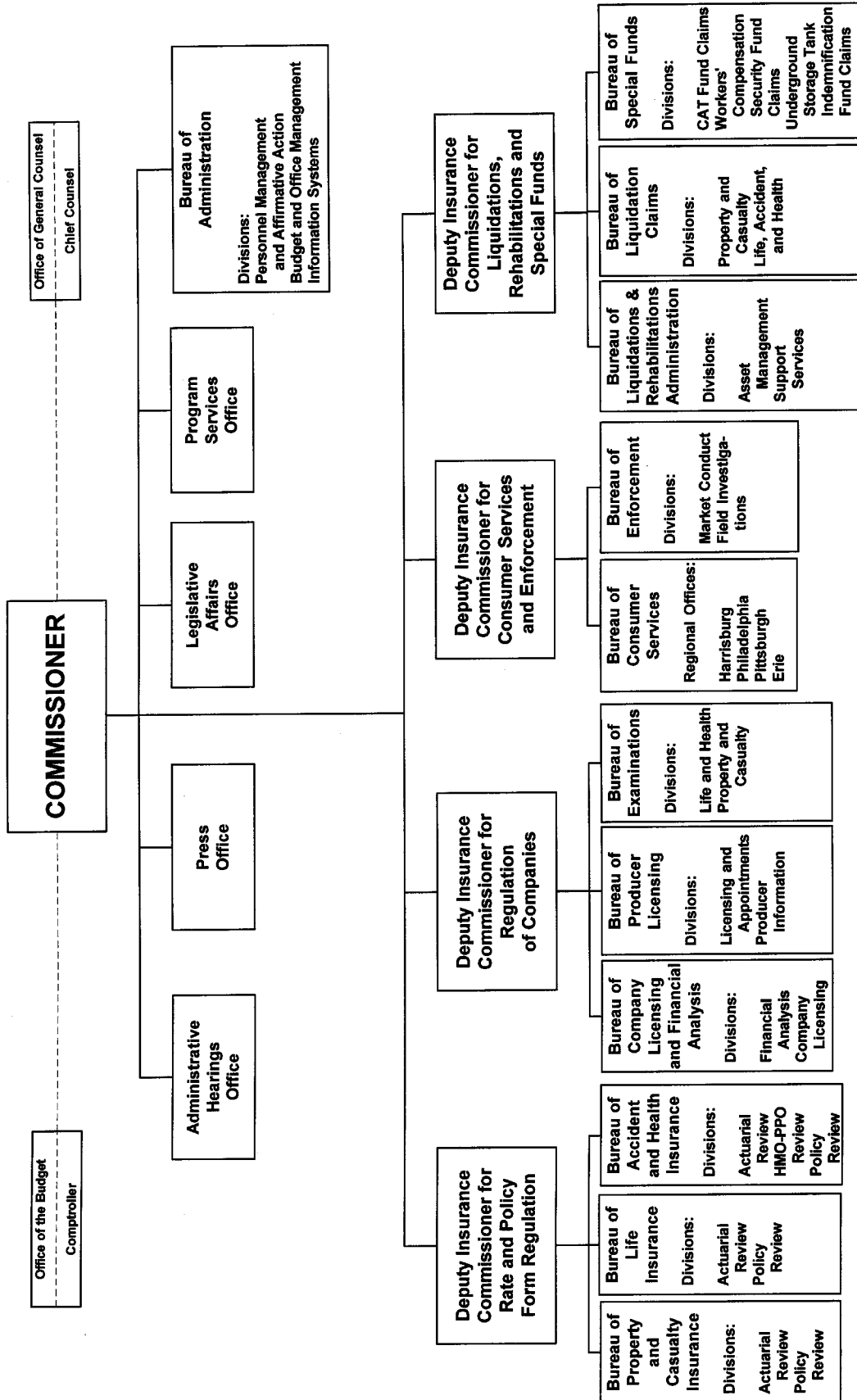
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 96-535. Filed for public inspection April 5, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE



INSURANCE DEPARTMENT



Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 6000]

Criteria for Approval of New Intermediate Care Facilities for People with Mental Retardation

Purpose

The purpose of this statement of policy is to specify the Department of Public Welfare's (Department) criteria for the review of proposals for establishing non-State operated intermediate care facilities for people with mental retardation (ICFs/MR).

Background

Non-state ICFs/MR provide 24-hour residential care in settings operated by county or private entities which meet Federal and State requirements for licensing and certification. They serve from four to approximately 300 people, who receive developmental and habilitative services to address a wide range of disabilities and conditions. State and Federal funding for ICFs/MR is provided through Title XIX of the Federal Medicaid Program.

Pennsylvania's system of providing supports and services to people with mental retardation was developed through a process involving the system's stakeholders, including people with mental retardation, their families and advocates, providers and State and local government officials. As a result, the Department's position on services, including those provided in ICFs/MR, is that they shall be provided in a manner which affords people receiving services maximum opportunity for personal choice, control, privacy, community participation and other freedoms typically enjoyed by people without disabilities.

Effective Date

This statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* The regulations of the Department of Public Welfare, 55 Pa. Code Chapter 6000, are amended by adding a statement of policy at § 6000.821 (relating to criteria for approval of new intermediate care facilities for people with mental retardation) to read as set forth in Annex A.)

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-BUL-041. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART VIII. MENTAL RETARDATION MANUAL

Subpart A. STATEMENTS OF POLICY

CHAPTER 6000. STATEMENTS OF POLICY

Subchapter O. CRITERIA FOR APPROVAL OF NEW INTERMEDIATE CARE FACILITIES FOR PEOPLE WITH MENTAL RETARDATION

§ 6000.821. Criteria for approval of new intermediate care facilities for people with mental retardation.

(a) The Office of Mental Retardation will review proposals for intermediate care facilities for people with mental retardation (ICFs/MR), as part of the certificate of

need process, through an interdepartmental cooperative agreement with the Department of Health. The Department of Public Welfare (Department) will only support and approve Medicaid funding for ICFs/MR which meet the following criteria:

(1) Projects to convert community homes to ICFs/MR shall be budget neutral and approved in writing by the county mental health/mental retardation program and the Office of Mental Retardation.

(2) In-State referrals of individuals to ICFs/MR shall be approved by the county MH/MR program in the individual's county of residence in accordance with its responsibilities under Chapter 6201 (relating to county mental retardation services).

(3) The ICF/MR shall coordinate case management services with the appropriate county MH/MR program. Case management shall include cooperative planning to prevent prolonged institutional placement and to prepare the person for return to life at home in the community.

(4) Community-integrated day services shall be provided off the grounds of the ICF/MR, unless medically contraindicated by a physician.

(5) Non-state ICFs/MR shall be reimbursed in accordance with Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for people with mental retardation) and Medicare principals HIM-15.

(b) The Office of Mental Retardation does not currently support the development of new ICF/MR proposals. The Office will consider the following factors in determining whether to grant an exception to this policy:

(1) New residential settings shall be designed so that the building fits into the residential neighborhood and is limited to four people. Sites shall be dispersed within the community to foster social integration and participation with neighbors in the general population.

(2) Services in an ICF/MR shall be demonstrated to be the most programmatic and cost effective alternative for people with mental retardation who require an ICF/MR level of care.

[Pa.B. Doc. No. 96-536. Filed for public inspection April 5, 1996, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 202]

Application and Review Process for Pedalcycles on State-Designated Freeways

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering, under the authority contained in 75 Pa.C.S. § 3511 (relating to pedalcycles prohibited on freeways) establishes its policy and application review process for exception from the general prohibition against operation of pedalcycles on State-designated freeways.

This policy shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Questions, comments or requests for applications may be directed to David C. Bachman, Bicycle/Pedestrian

Coordinator, Bureau of Highway Safety and Traffic Engineering, P. O. Box 2047, Harrisburg, PA 17105-2047, (717) 783-8444.

BRADLEY L. MALLORY,
Secretary of Transportation

(Editor's Note: The regulations of the Department of Transportation, 67 Pa. Code, are amended by adding a statement of policy at §§ 202.1—202.4 to read as set forth in Annex A.)

Fiscal Note: 18-338. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 202. APPLICATION AND REVIEW PROCESS FOR PEDALCYCLES ON STATE-DESIGNATED FREEWAYS

Sec.	
202.1.	Exception to prohibition.
202.2.	Permit application review process.
202.3.	Assistance by Department.
202.4.	Appeal of denial of application.

§ 202.1. Exception to prohibition.

Under 75 Pa.C.S. § 3511(a) (relating to pedacycles prohibited on freeways), a person may not operate or ride a pedalcycle on a freeway within this Commonwealth. A pedalcycle is a vehicle that is propelled solely by human-powered pedals. However, 75 Pa.C.S. § 3511(b) does permit pedalcycle operation for processions or events of National, State or regional interest and for operation by a pedalcycler who is 16 years of age or older or is accompanied by a pedalcycler 18 years of age or older on routes for which the Department of Transportation determines there is no safe, reasonable alternate route.

§ 202.2. Permit application review process.

(a) A permit for pedalcycle operation on a freeway under State jurisdiction shall comply with the following application review process:

(1) The applicant shall provide, on a form provided by the Department of Transportation (Department), the following information:

(i) A description of the proposed route, referenced by interchange names or numbers, or both. State route and section numbers, obtainable from a district office, may also be used.

(ii) A justification of the route request and a statement as to why an alternate route is not practical or possible. Plans, contour maps, photographs and other documentation may be included.

(2) The applicant's form shall be submitted for initial processing to the Central Office Bicycle/Pedestrian Coordinator, Bureau of Highway Safety and Traffic Engineering, P. O. Box 2047, Harrisburg, Pennsylvania 17105-2047, telephone (717) 783-8444. The application will be forwarded to the appropriate district office for review and recommendation before being returned to the Central Office Bicycle/Pedestrian Coordinator for final determination. The review by the district office may entail the consideration of information in addition to that submitted by the applicant.

(b) The district office, within 45 days of receipt of the original application, will make one of the following recommendations to the Central Office Bicycle/Pedestrian Coordinator:

(1) Approve because the following apply:

(i) No other reasonable route is available based on the length or safety of the route.

(ii) Safe access is available. The shoulder can be used as a designated bikeway. The Department may consider the following when determining safe access availability:

(A) There is a paved shoulder of sufficient width and acceptable riding surface to accommodate a designated bike route.

(B) Milled rumble strips are present.

(2) Approve in part because a section of the requested route may meet criteria and alternate routes satisfy the remainder.

(3) Disapprove because one or more of the following apply:

(i) The requested route cannot safely accommodate bicycles, (the shoulder may be too narrow or its condition may be of such poor quality that it cannot accommodate bicycles).

(ii) A reasonable, safer alternate route is available.

(iii) The applicant has failed to provide additional information after a request to provide the information was made.

(c) The Department may consider, among other factors, the following in evaluating an alternate route:

(1) The length of the detour.

(2) The average daily traffic (ADT). An ADT of less than 500 is favorable.

(3) The speed limit. A speed limit lower than 35 mph is favorable.

(4) The presence or absence of potentially hazardous conditions, including the following:

(i) Pavement condition.

(ii) Driveways.

(iii) Narrow shoulders, paved or unpaved.

(iv) No paved shoulders.

(v) Narrow motor vehicle lanes.

(vi) Pedestrian traffic.

(vii) Railroad tracks, especially skewed crossings.

(viii) Narrow bridges.

(ix) Poor sight distance.

(x) Rough road surface.

(xi) Parked vehicles.

(xii) Turning trucks.

(xiii) Percent of truck, bus and recreational vehicle traffic.

§ 202.3. Assistance by Department.

The Department of Transportation (Department) will make every reasonable effort to assist and work with an applicant to solicit pertinent information so that the Department can make a well informed decision. Each application will be judged on the merits on a case by case basis. When an application has been approved and before the scheduled event, the Department will erect signs at

both the ramp entrance and exit points indicating that permission has been granted for pedalcycles to use the route and notifying motorists of the presence of pedalcyclists.

§ 202.4. Appeal of denial of application.

If an application is denied, the applicant may appeal the decision of the Department of Transportation (Department) by submitting, within 20 days of the Department's

decision, a written request for an administrative hearing to the Administrative Docket Clerk, Room 521, Transportation & Safety Building, Harrisburg, Pennsylvania 17120. The applicant's written request shall be accompanied by a \$100 filing fee.

[Pa.B. Doc. No. 96-537. Filed for public inspection April 5, 1996, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Designation of Dangerous Transmissible Diseases

Section 2 of the act of April 17, 1929 (P. L. 533, § 2) (3 P. S. § 342), as amended, authorizes the Department of Agriculture (Department) to designate those diseases which are of a dangerous transmissible nature. Under this authority, the Department hereby proclaims the following diseases of poultry to be of a dangerous transmissible nature:

1. Ornithosis caused by *Chylamdia psittaci*;
2. Avian encephalomyelitis caused by encephalomyelitis virus; and
3. Paramyxovirus disease, other than Newcastle disease, caused by Paramyxovirus.

This proclamation will allow the Department to require the reporting of these diseases and to track the incidents of these diseases in the Commonwealth's poultry population. This information is required by certain foreign nations as a prerequisite to the importation of poultry and poultry products. The effect of this proclamation, therefore, will be to facilitate the flow of Pennsylvania-produced poultry and poultry products in international commerce.

This notice shall be effective upon publication in the *Pennsylvania Bulletin*.

CHARLES C. BROSIUS,
Secretary

[Pa.B. Doc. No. 96-538. Filed for public inspection April 5, 1996, 9:00 a.m.]

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 26, 1996.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-22-96	CoreStates Financial Corp., Philadelphia, to acquire 100% of the voting shares of Meridian Bancorp, Inc., Reading	Philadelphia	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-18-96	Bank of Hanover and Trust Company Hanover York County	1511 Kenneth Road York York County	Opened
3-18-96	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Edgmont Square Shopping Center 4821 West Chester Pike Edgmont Delaware County (Temporary Location)	Opened
3-18-96	Integra Bank Pittsburgh Allegheny County	One Oxford Centre Pittsburgh Allegheny County	Opened
3-20-96	Standard Bank, PaSB Murrysville Westmoreland County	Davis Supermarket Latrobe 30 Plaza Latrobe Westmoreland County	Opened
3-22-96	The Drovers & Mechanics Bank York York County	Adjacent to Shipley Stores Dover Square Intersection of East Canal Rd. and Main St. (Route 74) Dover York County	Filed

NOTICES

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<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-22-96	The Drivers & Mechanics Bank York York County	Southeast Intersection of Church Road and Susquehanna Trail (Route 238) Manchester Twp. York County	Filed
3-22-96	Sun Bank Selinsgrove Snyder County	96 Duke Street Northumberland Northumberland County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-22-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	3091 Carlisle Road Dover York County	Approved
3-22-96	Meridian Bank Reading Berks County	Jackson Street Thompson Susquehanna County	Effective
3-22-96	Meridian Bank Reading Berks County	Main Street Little Meadows Susquehanna County	Effective
3-22-96	Meridian Bank Reading Berks County	Richardson Avenue Shohola Pike County	Effective
3-22-96	Meridian Bank Reading Berks County	Route 370 and Lake Como Road Lakewood Wayne County	Effective

SAVINGS ASSOCIATIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
3-22-96	First Financial Savings Association Downingtown Chester County	82 Quarry Road Downingtown Chester County	Approved

Main Office Relocation

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
3-11-96	Quaint Oak Building and Loan Association Feasterville Lower Southampton Twp. Bucks County	<i>To:</i> 607 Lakeside Drive Southampton Upper Southampton Twp. Bucks County <i>From:</i> 52 East Street Road Feasterville Lower Southampton Twp. Bucks County	Filed

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-539. Filed for public inspection April 5, 1996, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Education for Homeless Children and Youth Program Funds for Federal Fiscal Year 1997

I. Authorization

The Education for Homeless Children and Youth Program is authorized by the Stewart B. McKinney Homeless Assistance Act of 1987, Title VII, Subtitle B. The program was amended by the McKinney Homeless Assistance Act Amendments of 1990 and more recently under the Improving America's Schools Act of 1994, Title III—Part B, (P. L. 103-382). The program is authorized to provide funds through the Department of Education for the establishment of local Education for Homeless Children and Youth projects.

II. Intent

Pennsylvania's Education For Homeless Children and Youth State Plan informs local school districts of their responsibility to homeless children and youth; provides policies that bring the State into compliance with Federal law; and outlines specific local, regional and Statewide activities to assure homeless students equal access to quality education.

The Department of Education intends to allocate and administer grants to eligible local education agencies (LEAs) including school districts, consortia of districts and intermediate units to develop a project of local coordination of services for homeless children to support programs and activities that address the barriers to educating these children.

III. Goal

The goal of the Education for Homeless Children and Youth is to ensure homeless children and youth a free appropriate public education on an equal basis with all other children in the State. Program objectives and activities are intended to remove and/or ease the barriers to enrollment and educational success for homeless children.

The main objectives of the program are to:

- increase awareness about the needs of homeless children and youth;
- reveal possible educational barriers;
- explain legislation and policies already in place which overcome these barriers; and
- provide practical strategies for working with homeless children and youth.

III. Program and Eligibility Requirement

LEAs with significant identified homeless populations are eligible for a grant to provide comprehensive services to address the educational needs of homeless children and youth.

Each local project funded under the Education for Homeless Children and Youth Program must designate a homeless education liaison to serve as a project manager to coordinate services between the schools, shelters and community agencies, work with school officials and community agencies to remove barriers identified in the State Plan and provide direct services to support the education of homeless students.

IV. Duration of Projects

The "grant period" (or duration of an Education for Homeless Children and Youth grant) will be for a term of 3 years provided that sufficient progress is made towards meeting program objectives. The Commonwealth will not, however, issue a 3 year contract. Each year, or "grant year," grantees will be required to apply for continuation funding. At the end of the grant period, grantees will be authorized to reapply and compete with other applicants for another 3 year grant.

V. Funding

The estimated FY 97 appropriation for Pennsylvania is 1 million, of which 95% is available for distribution to new and continuation projects. The minimum award will be \$70,000. Successful applicants will be notified of funding at the earliest possible time to allow the project to begin October 1, 1996. All project funding is dependent upon receipt of Stewart B. McKinney Homeless Assistance Funds from the United States Department of Education.

VI. Preproposal Session

A preproposal session will be held during the 1996 Annual Conference of the PA Association of Federal Program Coordinators (PAFPC), April 21—24, 1996 at Seven Springs Resort, Champion, PA.

VII. Letter of Intent

Prospective applicants who desire a funding application should submit, by mail or fax, a letter of intent, signed by the chief administrator (that is, superintendent or executive director) not later than April 19, 1996, to the Department of Education, Division of Early Childhood and Family Education, Education for Homeless Children and Youth Program, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333.

EUGENE W. HICKOK, Jr.,
Secretary

[Pa.B. Doc. No. 96-540. Filed for public inspection April 5, 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 his right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field 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 Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Managers will make a final determination regarding the proposed permit. 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 Field 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 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.

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

PA 0001627. Industrial waste, SIC: 4911, **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930.

This application is for amendment of an NPDES permit to discharge treated process water from the Cheswick Power Station in Springdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Little Deer Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Oakmont Borough Municipal Authority, located 2.4 miles below the discharge point.

Outfall 002: new discharge, design flow of 12.375 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Suspended Solids			35		70
Aluminum			1.2		2.4
Iron			2.6		5.2
Manganese			0.87		1.74
Molybdenum			monitor only		
Tin			monitor only		
Titanium			monitor only		
Beryllium			0.01		0.02
Cadmium			0.003		0.006
Chromium, hex			0.006		0.012
Silver			0.02		0.04
Thallium			0.018		0.036
Copper			0.033		0.066
Pentachlorophenol			0.004		0.008
pH	6.0—9.0				

Outfalls 010 and 011: new discharges to Little Deer Creek.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These discharges shall consist solely of uncontaminated stormwater runoff from the LeFever Ash Disposal Site.					

The EPA waiver is not in effect.

The EPA waiver is not in effect.

PA 0205079. Industrial waste, SIC: 2086 and 2087, **Daily Juice Products**, 1 Daily Way, Verona, PA 15147.

This application is for issuance of an NPDES permit to discharge cooling water and stormwater from beverage making operations in Verona Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters Plum Creek classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of

evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Fox Chapel Water Authority, located at Fox Chapel, 2.0 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.0215 mgd.

<i>Parameter</i>	<i>Instantaneous Maximum 2/month estimate</i>
<i>Flow (mgd)</i>	
Temperature (°F)	
January 1—31	74.2
February 1—29	77.4
March 1—September 30	110.0
October 1—15	102.8
October 16—31	96.8
November 1—15	92.2
November 16—30	77.4
December 1—31	67.6
pH	between 6.0 and 9.0 s.u. at all times

Outfall 002: new discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	This outfall shall consist of stormwater runoff				

Outfall 003: new discharge, design flow of 0.036 mgd.

<i>Parameter</i>	<i>Instantaneous Maximum 2/month estimate</i>
<i>Flow (mgd)</i>	
Temperature (°F)	
January 1—31	74.2
February 1—29	77.4
March 1—September 30	110.0
October 1—15	102.8
October 16—31	96.8
November 1—15	92.2
November 16—30	77.4
December 1—31	67.6
pH	between 6.0 and 9.0 s.u. at all times

Outfall 004: new discharge, design flow of 0.048 mgd.

<i>Parameter</i>	<i>Instantaneous Maximum 2/month estimate</i>
<i>Flow (mgd)</i>	
Temperature (°F)	
January 1—31	74.2
February 1—29	77.4
March 1—September 30	110.0
October 1—15	102.8
October 16—31	96.8
November 1—15	92.2
November 16—30	77.4
December 1—31	67.6
pH	between 6.0 and 9.0 s.u. at all times

The EPA waiver is in effect.

PA 0205419. Industrial waste, SIC: 3312, **Dynamet, Inc.**, Powder Products Division, 600 Mayer Street, Bridgeville, PA 15017.

This application is for issuance of an NPDES permit to discharge untreated cooling water, stormwater, groundwater seepage and cooling tower blowdown from the Bridgeville facility in Collier Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek, classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of

evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is West View Water Company, located at West View, over 15 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0081 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)			monitor and report		
Temperature (°F)					110
pH	6.0—9.0 s.u.				

Other Conditions: Special Conditions apply to stormwater discharge, to chemical additives to closed-loop cooling system, and to cooling water discharge.

The EPA waiver is in effect.

PA 0003921. Industrial waste, SIC: 5171, **Sun Company, Inc.**, Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103.

This application is for renewal of an NPDES permit to discharge treated stormwater and for discharge of hydrostatic test water from the Blawnox Marketing Terminal in O'Hara Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Wilksburg-Penn Joint Water Authority, located about 2 miles below the discharge point.

Outfalls 001 and 002: existing discharge of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)			monitor/report		
Oil and Grease Total Recoverable					15
Petroleum Hydrocarbons			monitor/report		
pH	6.0—9.0				

Other Conditions: Special conditions for Petroleum Marketing Terminals, and for discharge of storage tank hydrostatic test water are included.

The EPA waiver is in effect.

PA 0022292. Sewage, **Ebensburg Borough Municipal Authority**, 300 West High Street, Ebensburg, PA 15931.

This application is for renewal of an NPDES permit to discharge treated sewage from the Ebensburg Wastewater Treatment Plant in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Howells Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Authority.

Outfall 001: existing discharge, new design flow of 1.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.5	5.2		7.0
Phosphorus	1.5	2.3		3.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Issue date through 36th month	monitor and report			
37th month through expiration	.08			.27
Dissolved Oxygen	not less than 6.0 mg/l			
pH	6.0—9.0			

Other Conditions: 002 and 003 to serve as combined sewer overflows.

The EPA waiver is not in effect.

PA 0205249. Sewage, **Dollar Bank**, 3 Gateway Center 10 North, Pittsburgh, PA 15222.

This application is for renewal of an NPDES permit to discharge treated sewage from the Timber Creek Farms Sewage Treatment Plant in Marshall Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Big Sewickley Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.00665 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly 25</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum 50</i>
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2			4
(11-1 to 4-30)	3			6
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.04			0.09
Dissolved Oxygen	not less than 6 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

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

PA 0105295. Industrial waste, SIC: 1311 (Crude Oil Production). **Minard Run Oil Company**, P. O. Box 18, Bradford, PA 16701.

This application is for renewal of an NPDES permit to discharge treated industrial wastewater to Lewis Run in Lafayette Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA/NY state border on Tunungwant Creek, approximately 13 miles below point of discharge.

The proposed discharge limits for Outfall No. 002, based on a design flow of 0.021 mgd are:

<i>Parameter Flow (mgd)</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum 0.021</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30		60
Oil and Grease	15		30
Total Iron	3.5		7
Alkalinity		greater than acidity	
Acidity		less than alkalinity	
Benzene	0.475	0.95	1.19
Silver	0.002	0.004	0.005
Zinc	0.104	0.208	0.260
Cadmium	0.004	0.008	0.010
Osmotic Pressure (mOs/kg)	monitor and report		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0021598. Sewage. **Conneaut Lake Joint Municipal Authority**, First Street Extension, Conneaut Lake, PA 16316.

This application is a renewal of a Part I NPDES permit to discharge treated sewage to French Creek in Sadsbury Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority and French Creek located at Franklin, in Sadsbury Township, Crawford County, approximately 21 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after chlorine contact tank) based on a design flow of 1.175 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	4.2		8.4
(11-1 to 4-30)	12.6		25.2
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	6,000/100 ml as a geometric average		
Total Residual Chlorine (Interim Limits)			
(Final Limits)	.19		.6
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

PA 0025569. Sewage. **Slippery Rock Municipal Authority**, P. O. Box 157, Slippery Rock, PA 16057.

This application is a renewal of a Part I NPDES permit to discharge treated sewage to the Connoquenessing Creek in Slippery Rock Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of North Sewickley Township in North Sewickley Township on the Beaver River, approximately 32 miles below the discharge.

The proposed effluent limits, based on a design flow of 1.2 mgd are:

Outfall No. 001 (Discharge to UNT Slippery Rock Cr.) Interim Limits

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	2.1		4.2
(11-1 to 4-30)	6.3		12.6
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	monitor and report		
pH	6.0—9.0 at all times		

The proposed effluent limits, based on a design flow of 1.2 mgd are:

Outfall No. 001 (Discharge to Slippery Rock Cr.) Final Limits

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen	15		30
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	24,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

PA 0005053. Industrial waste, SIC: 4911. **Pennsylvania Electric Company**, Warren Generating Station, 2325 Pennsylvania Avenue—West Ext., Warren, PA 16365.

This application is for a renewal of an NPDES permit to discharge treated industrial waste, noncontact cooling water and stormwater to the Allegheny River in Conewango Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company and the Allegheny River located at Emlenton, approximately 72 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 55.46 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs		
Total Residual Chlorine			.2
Heat Rejection Rate	15,306 x 10 ⁶ (BTU)		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 based on a design flow of 2.21 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs		
Total Suspended Solids	30	100	
Oil and Grease	15	20	30

The proposed discharge limits for Outfall No. 003 based on a design flow of 2.21 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs		
Total Suspended Solids	30	100	
Oil and Grease	15	20	30

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs		
Total Suspended Solids	30	100	
Oil and Grease	15	20	30

There shall be no discharge from this outfall except for a discharge that occurs as a result of a 10 year/24 hour or larger rainfall event. Each discharge shall also be monitored for cause, frequency, duration and quantity of flow. This data is to be reported monthly as an attachment to the monthly Discharge Monitoring Reports. The permittee shall submit notice of any discharge to the Department within 24 hours of becoming aware of the discharge [if this information is provided orally, a written submission must be provided within 5 days].

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs		
Total Suspended Solids	30	100	
Oil and Grease	15	20	30

This discharge shall consist of uncontaminated stormwater runoff only. Refer to Special Condition A in Part C.

The EPA waiver is not in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.

PA 0026310. SIC: 4952, **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to the West Branch Susquehanna River in Lawrence Township, **Clearfield County**.

The receiving stream is classified for the following uses: warm water fishery and aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 4.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 s.u. at all times		

Other Conditions:

- (1) Combined Sewer Overflow (CSO) monitoring.
- (2) Total Residual Chlorine limits effective 3 years from permit issuance date. Monitoring and reporting required in the interim.

The EPA waiver is not in effect.

PA 0036773. Sewerage, SIC: 4952, **Shinglehouse Borough**, P. O. Box 156, Shinglehouse, PA 16748.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Honeoye Creek in Shinglehouse Borough, **Potter County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is assumed to be located at the PA/NY border.

The proposed effluent limits for Outfall 001 based on a design flow of 0.16 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(6-1 to 10-31)	25	40	50
(11-1 to 5-31)	40	60	80
TSS			
(6-1 to 10-31)	30	45	60
(11-1 to 5-31)	45	65	90
Total Residual Cl ₂	1		2.3
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0033316. Sewerage, SIC: 4952, **Knittle Enterprises**, R. R. 1, Box 184, Williamsport, PA 17701.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Miller's Run in Eldred Township, **Lycoming County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.013 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	12		24
(11-1 to 4-30)	25		50
TSS	30		60
Total Residual Cl ₂	1		2.3
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

PA 0020460. Amendment No. 2, Sewage, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, P. O. Box 31, Sellersville, PA 18960.

This application is for amendment of an NPDES permit to discharge treated sewage from Pennridge Wastewater Treatment Authority in West Rockhill Township, **Bucks County**. This is an existing discharge to East Branch Perkiomen Creek.

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

This amendment reflects a temporary relaxation of the phosphorus effluent limits during the period of a site specific impact study.

Whole Effluent Toxicity Test results indicated no toxicity therefore WET testing and limits are removed from the amendment until next permit renewal.

The following effluent limits for Outfall 001, shall apply during the period beginning at April 1, 1996 and lasting through October 31, 1996.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus as P (4-1 to 10-31)	2.0	4.0

The following effluent limits for Outfall 001, shall apply from April 1, 1997 and lasting through expiration:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus as P (4-1 to 10-31)	0.5	1.0

Other Conditions:

Toxics Reduction Evaluation for Copper, Cadmium and Mercury final water quality based effluent limitations of 0.0133 mg/l for copper; 0.0026 mg/l for cadmium and 0.00003 mg/l for mercury.

WET Testing results at permit renewal.

Conduct study on the impact of high concentration of phosphorus on the stream.

The EPA waiver is not in effect.

PA 0011657. Industrial waste, **PECO Energy Company**, 2301 Market Street, P. O. Box 8699, Philadelphia, PA 19101-8699.

This application is for revoke and reissuance with 1 year extension of the expiration date of an NPDES permit to discharge treated cooling water from Trigen, Grays Ferry Cogenerating facilities and Schuylkill Generating Station in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to Schuylkill River: Delaware River Estuary Zone 4.

The receiving stream is classified for warm water fish (maintenance only), migratory fish (passage only), industrial water supply, wildlife water supply, boating, fishing and navigation.

The proposed effluent limits for Outfall 001, based on an average flow of 333.8 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110°F
Heat Rejection Rate		1,558 million BTU per hour	
Total Residual Oxidant		0.2	0.5
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for internal discharge monitoring point 101 at the effluent of the neutralizing tank based on an average flow of 0.18 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	
Oil and Grease	15	20	30
Total Copper	1	1	
Total Iron	1	1	
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for internal discharge monitoring point 201 at the effluent of the oil/water separator based on an average flow of 20,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	100	
Oil and Grease	15	20	30
pH	within limits of 6.0—9.0 standard units at all times		

Thermal Requirements.

No Discharge of PCB Compounds

Submission of Final Report on Thermal Modeling Study by July 31, 1997.

The EPA waiver is not in effect.

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

PA 0087220. Industrial waste, SIC: 3087, **Sylvin Technologies, Inc.**, Denver Road, P. O. Box 308, Denver, PA 17517.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Stony Run, in East Cocalico Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Ephrata Area Water Company located in Ephrata Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0053 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		75	94
Total Suspended Solids		monitor	
Temperature		110°F	
Total Arsenic		monitor	
Total Thallium		monitor	
Total Lead		monitor	
pH	6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 100 for a design flow of 0.0045 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		monitor	
Total Suspended Solids		monitor	
Total Antimony	0.3	0.6	0.75
Total Lead	0.35	0.7	0.88
pH	6.0—9.0 standard units at all times		

The proposed effluent limits for Outfalls 101 and 102 for a design flow of 0.0045 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		monitor	
Total Suspended Solids		monitor	
Total Antimony	0.3	0.6	0.75
Total Lead	0.35	0.7	0.88
Total Cadmium	0.08	0.16	0.20
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0087254. Industrial waste, SIC: 3496, **Kalas Manufacturing, Inc.** (Plant No. 3), 25 Main Street, Denver, PA 17517.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Stony Run, in East Cocalico Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Ephrata Area Water Company located in Ephrata Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0065 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature		110°F	
Total Antimony	0.15	0.3	0.38
Total Cadmium	0.02	0.04	0.05
Total Lead	0.08	0.16	0.2
Total Thallium		monitor	
Total Arsenic		monitor	
pH	within limits of 6—9 s.u. at all times		

The EPA waiver is in effect.

PA 0011169. Industrial waste, SIC: 3351, **Brush Wellman, Inc.**, P. O. Box 973, Reading, PA 19603.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of the Schuylkill River, in Perry Township, **Berks 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Pottstown Borough Authority located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed Interim effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s.u.)	within limits of 6—9 standard units at all times		
Total Beryllium		monitor and report	
Hexavalent Chromium		monitor and report	
Total Copper	0.62	1.3	1.55
Total Lead		monitor and report	
Bis (2-Ethylhexyl) Phthalate		monitor and report	
Total Manganese		monitor and report	
Total Suspended Solids	10	20	25
Oil and Grease	15		30
Nitrate		monitor and report	
Nitrite		monitor and report	
Total Dissolved Solids		monitor and report	
Sulfate		monitor and report	
MBAS		monitor and report	

Final Effluent Limits for Outfall 001 continued:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.5—8.5 s.u. at all times		
Total Beryllium	0.004	0.008	0.01
Hexavalent Chromium	0.013	0.026	0.033
Total Copper	0.015	0.030	0.038
Total Lead	0.004	0.008	0.01
Bis (2-Ethylhexyl) Phthalate	0.003	0.006	0.008
Total Manganese	1.34	2.67	3.35
Total Suspended Solids	10	20	25
Oil and Grease	15		30
Nitrate	10	20	25
Nitrite	1	2	2.5
Total Dissolved Solids	500	1,000	1,250
Sulfate	250	500	625
MBAS		monitor and report	

The proposed Interim effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6—9 s.u. at all times		
CBOD	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20		40
Fecal Coliforms	200		
Total Lead		monitor and report	
Total Zinc		monitor and report	
Dissolved Oxygen		5.0 mg/l at all times	
Total Residual Chlorine	1.5		2.5
Nitrate		monitor and report	
Nitrite		monitor and report	

The proposed Final effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.5—8.5 s.u. at all times		
CBOD	10	15	20
Total Suspended Solids	10	15	20
NH ₃ -N	3		6
Fecal Coliforms	200		
Total Lead	0.004		0.008
Total Zinc	0.1		0.2
Dissolved Oxygen		5.0 mg/l at all times	
Total Residual Chlorine	1.5		2.5
Nitrate	10		20
Nitrite	1		2

The proposed Interim effluent limits for Outfall 003 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6—9 s.u. at all times		
Temperature	110°F		
Total Manganese		monitor and report	
Nitrate		monitor and report	
Nitrite		monitor and report	
Total Beryllium		monitor and report	
Total Copper	1.0	2.0	2.5
Total Lead		monitor and report	
Total Dissolved Solids		monitor and report	
Total Suspended Solids		monitor and report	
Osmotic Pressure		monitor and report	

The proposed Final effluent limits for Outfall 003 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.5—8.5 s.u. at all times		
Temperature	110°F		
Total Manganese	1.337	2.67	3.34
Nitrate	10	20	25
Nitrite	1	2	2.5
Total Beryllium	0.004	0.008	0.01
Total Copper	0.015	0.03	0.038
Total Lead	0.004	0.008	0.01
Total Dissolved Solids	500	1,000	1,250
Total Suspended Solids	10	20	25
Osmotic Pressure		monitor and report	

The proposed Interim effluent limits for Outfall 004 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6—9 s.u. at all times		
Total Suspended Solids	30	60	75
Temperature	110°F		
Nitrate		monitor and report	
Nitrite		monitor and report	
Total Iron		monitor and report	
Total Copper	1.0	2.0	2.5
Total Dissolved Solids		monitor and report	

The proposed Final effluent limits for Outfall 004 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.5—8.5 s.u. at all times		
Total Suspended Solids	10	20	25
Temperature	110°F		
Nitrate	10	20	25
Nitrite	1	2	2.5
Total Iron	1.26	2.58	3.23
Total Copper	0.015	0.03	0.038
Total Dissolved Solids	500	1,000	1,250

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

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

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

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on 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>
PA0083801	Gateway Unlimited Leslie R. Lutz 871 Range End Rd. Dillsburg, PA 17019	York Franklin Twp.	UNT to North Bermudian Creek	TRC
PA0081884	Spangler's Restaurant 25 Sandoe Road Gettysburg, PA 17325	Adams Straban Twp.	UNT to Beaverdam Creek	TRC
PA0028592	Bonneauville Boro Auth. 46 E. Hanover St. Gettysburg, PA 17325	Adams Bonneauville Borough	Chicken Run	TRC

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

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

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

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

The application and related documents, including the erosion and sedimentation control plan for the construc-

tion activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

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

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.

Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, telephone (717) 327-3669.

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

Chester County Conservation District, District Manager, 601 Westtown Road, West Chester, PA 19382, telephone (610) 696-5126.

NPDES Permit PAS10G199. Stormwater. **Daylesford Associates**, 1301 Lancaster Avenue, Berwyn, PA 19312 has applied to discharge stormwater from a construction activity located in West Whiteland Township, **Chester County**, to Broad Run.

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

NPDES Permit PAS10J032. Stormwater. **Keinath Properties**, 12 Pineview Drive, Media, PA 19063 has

applied to discharge stormwater from a construction activity located in Edgmont Township, **Delaware County**, to Rocky Run.

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

NPDES Permit PAS10M095. Stormwater. **Robert Eberly**, P. O. Box 323, Greencastle, PA 17225 has applied to discharge stormwater from a construction activity located in the Borough of Greencastle, **Franklin County**, to Muddy Run.

Lancaster County Conservation District, District Manager, 1383 Arcadia Road, Lancaster, PA 17601, telephone (717) 299-5361.

NPDES Permit PAS10-O-055. Stormwater. **Soco Enterprises Company**, 1330 Charlestown Road, Phoenixville, PA 19460 has applied to discharge stormwater from a construction activity located in Earl Township, **Lancaster County**, to Mill Creek.

Lebanon County Conservation District, District Manager, 2120 Cornwall Road, Lebanon, PA 17042, telephone (717) 272-3377.

NPDES Permit PAS10P021. Stormwater. **Paul Weber**, Equitable Owner, 3210 Grande Oak Lane, Lancaster, PA 17601 has applied to discharge stormwater from a construction activity located in Millcreek Township, **Lebanon County**, to UNT to Tulpehocken Creek.

Luzerne County Conservation District, District Manager, 5 Water Street, Wilkes-Barre, PA 18711, telephone (717) 825-1844.

NPDES Permit PAS10R019. Stormwater. **Weis Markets Inc.**, 1000 S. 2nd Street, Sunbury, PA 17801 has applied to discharge stormwater from a construction activity located in Hazle Township and West Hazleton Borough, **Luzerne County**, to Stony Creek.

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

NPDES Permit PAS10S041. Stormwater. **Monroe County Firemans Association, c/o Treby, Howard, Philips**, 668 Hanover Avenue, Allentown, PA 18103 has applied to discharge stormwater from a construction activity located in Hamilton Township, **Monroe County**, to McMichaels Creek.

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

NPDES Permit PAS10T064. Stormwater. **Nolen Group**, 6 E. Germantown Pike, Plymouth Meeting, PA 19462 has applied to discharge stormwater from a construction activity located in Lower Salford Township, **Montgomery County**, to UNT to Indian Creek.

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

NPDES Permit PAS10U051. Stormwater. **Osrarn Sylvania Inc.**, 100 Endicott Street, Danver, MA 01923 has applied to discharge stormwater from a construction activity located in Bethlehem Township, **Northampton County**, to Monocacy Creek.

Tioga County Conservation District, District Manager, 5 East Avenue, Wellsboro, PA 16901, telephone (717) 724-4812.

NPDES Permit PAS106603. Stormwater. **Ward Manufacturing Inc.**, P. O. Box 9, Blossburg, PA 16912-0009 has applied to discharge stormwater from a construction activity located in Lawrence Township, **Tioga County**, to the Tioga River.

York County Conservation District, District Manager, 118 Pleasant Acres Road, York, PA 17402, telephone (717) 840-7430.

NPDES Permit PAS10Y046. Stormwater. **Andrew Lentz**, R. D. 1, Box 1072, Spring Grove, PA 17362 has applied to discharge stormwater from a construction activity located in Jackson Township, **York County**, to Little Conewago Creek.

Stormwater NPDES Permit Application; Public Hearing

The Department of Environmental Protection (DEP) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit application:

University of Pennsylvania, New Bolton Center,
"Marshak Dairy," PAS10-G198

The hearing is scheduled for May 21, 1996, at 7 p.m. at the Chester County Conservation District Office, Government Services Center, Conference Room 380, 601 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater construction activities, with a discharge to east branch White Clay Creek. A copy of this application is available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is:

University of Pennsylvania, New Bolton Center, 382 West Street Road, Kennett Square, PA 19348.

Comments received will be considered by DEP in completing its review and prior to taking final action concerning the applications. The hearing will not be a question and answer session.

Anyone intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include the presenter's name, address and phone number, whether they are opposed or in favor of the project and a brief statement about the presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to DEP may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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, ad-

dress 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 proceedings 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 received 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. 6296401. Sewage, **Jeffrey and Carolyn Confer**, SRSTP, R. D. 2, Box 204, Pittsfield, PA 16340. This project is for the construction of a single residence sewage treatment plant in Pittsfield Township, **Warren County**.

WQM Permit No. 4396402. Sewage, **Margaret V. Angermeier**, SRSTP, 59 Reno Rd., Hermitage, PA 16148. This project is for the construction of a single residence sewage treatment plant in Jefferson Township, **Mercer County**.

WQM Permit No. 6296402. Sewage, **Stephen and Lori Fox**, SRSTP, R. D. 1, Box 1795, Russell, PA 16345. This project is for the construction of a single residence sewage treatment plant in Pine Grove Township, **Warren County**.

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

A. 6796403. Sewage, **West Manchester Township Sewer Authority**, 2501 Catherine Street, York, PA 17404 in West Manchester Township, **York County** to construct the Bull Road Pump Station was received in the Southcentral Regional Office on March 18, 1996.

A. 0796402. Sewage, **Allegheny Township Sewer and Water Authority**, 313 Old Sixth Avenue Road, North, Duncansville, PA 16635 in Allegheny Township, **Blair County** to construct approximately 88,000 L. F. of 8" gravity sanitary sewer pipe and replacement of one sewage lift station was received in the Southcentral Region on March 18, 1996.

A. 2296402. Sewage, **Mark Malone**, 39 East High Street, Middletown, PA 17057 in East Hanover Township, **Dauphin County** to construct a small flow single residence sewage treatment system was received in the Southcentral Region on March 13, 1996.

A. 2196402. Sewage, **Amos K. King**, 48 Mudlevel Road, Shippensburg, PA 17257 in Hopewell Township, **Cumberland County** to construct a small flow single residence sewage treatment system was received in the Southcentral Region on March 13, 1996.

A. 3696402. Sewage, **Christiana Borough**, 14 Maple Avenue, Christiana, PA 17509 in West Sadsbury Township, **Chester County** to construct a belt filter press was received in the Southcentral Region on March 14, 1996.

A. 6796402. Sewage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319 in Newberry Township, **York County** to permit the following pump stations: Eden Road, Ridgeview, Divens, Bald Cypress and Pheasant Drive was received in the Southcentral Region on March 20, 1996.

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

A. 0296403. Sewerage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237-1099. Application for the conversion of the existing sewage treatment facility to a lift station, together with installation of a force main to serve the Verland Foundation, Institution for Handicapped located in the Township of Ohio, **Allegheny County**.

A. 2696402. Sewerage, **Menallen Sewer Authority**, Box 576, New Salem, PA 15468. Application for sewer extension and pumping stations to serve the Keisterville Sewer Project located in the Township of Menallen, **Fayette 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. 3496501. Public water supply, **Brookline Retirement Village**, Fermanaugh Twp., **Juniata County**, (Ray Calhoun, R. R. 1, Box 463, Mifflintown, PA 17059), existing water system consisting of well no. 1, softener, hypochlorination, two pressure tanks and distribution lines. Two detention tanks are proposed, (James P. Ashbaugh, Todd Gibbings and Associates, Inc., 3049 Enterprise Drive, State College, PA 16801).

Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

A. 0389504-A1. **Cowanshannock Township Municipal Authority**, 74 Second Street, Box 127, NuMine, PA 16244. Covering of the second existing finished water reservoir with an aluminum dome roof, **Armstrong County**.

A. 0296504. **Fox Chapel Authority**, 255 Alpha Drive, Pittsburgh, PA 15238-2944. Conversion of the existing water filtration plant into a booster pumping station to allow the system to be served by water purchased from the City of Pittsburgh Water and Sewer Authority, **Allegheny County**.

A. 0389505-A2. **Pennsylvania-American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. Install a building to house two potassium permanganate pumps for zebra mussel control, **Armstrong County**.

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

5496501. Public water supply. **Borough of Pine Grove**, c/o Harold Zimmerman, President, Pine Grove Borough Council, 1 Snyder Avenue, Pine Grove, PA 17963. This proposal involves construction of a 100 gpm water booster pumping station, 1,000 gallon hydropneumatic water tank and approximately 3,800 feet of 4" ductile iron water main servicing the new PENNDOT South Bound Safety/Rest Area. It is located in Pine Grove, **Schuylkill County**.

6496501. Public water supply. **Paradise Point**, c/o Carl Paulnack, P. O. Box 361, Lakeville, PA 18438. This proposal involves the permitting of two existing wells serving the Paradise Point community at Lake Wallenpaupack. Disinfection is to be provided. It is located in Paupack Township, **Wayne County**.

Acknowledgment of Notices of Intent to Remediate

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Defense Distribution Region East Wood Pile, Fairview Township, **York County**. Defense Distribution Region East, Administrative Support Center East, Building 1-1, 2nd Floor, New Cumberland, PA 17070-5001 has submitted a Notice of Intent to Remediate site soils contaminated with PAHs. The applicant proposes to remediate the site to meet the site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Daily Record* and the *York Dispatch* on March 25, 1996, and in the *Harrisburg Patriot News* on March 25, 1996.

Former Hervitz Packing Site, City of Harrisburg, **Dauphin County**, Harrisburg Enterprise Development Corporation, 10 North Second Street, Suite 406, Harrisburg, PA 17101, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published March 29, 1996 in the *Harrisburg Patriot News*.

Proposed Consent Decree

Millcreek Dump Site Millcreek Township, Erie County

Under section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, (42 U.S.C.A. § 9622) and section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Decree concerning settlement of the Department's Complaint against United Brass Works, Inc. (United). The Department's Complaint concerns the response costs that the Department has incurred and will incur to clean up the Millcreek Dump Site in Erie County, Pennsylvania. The Department's Complaint is filed in the United States District Court for the Western District of Pennsylvania, at Docket No. 93-297 (Erie).

The Department has incurred over \$700,000 in past response costs, and estimates that it will incur over 4 million dollars in response costs in the future at the Millcreek Dump Site. Based upon the Department's analysis of United's connection with the release and threatened release of hazardous substances at the Site, the Department has agreed to settle its Complaint against United for \$147,000. The specifics of the Department's settlement with United are set forth in the Consent Decree.

The Department will receive and consider comments relating to the Consent Decree for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Consent Decree if the comments concerning the Consent Decree disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper, inadequate or not in the public interest. After the public comment period, the Department's settlement with United shall become final upon the filing of the Department's response to significant written comments to the Consent Decree and upon the United States District Court's approval of the Consent Decree.

Copies of the Consent Decree are available for inspection at the Department's office at 230 Chestnut Street,

Meadville, PA, and at the United States District Court-house in Erie, PA. Comments may be submitted, in writing, to Edward Orris, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Edward Orris at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at 1 (800) 654-5984.

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.

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

New Hanover Incineration, Inc., 3645 Church Road, Perkiomenville, PA 18074; Albert Marinari, Operations Manager; application received March 19, 1996.

Hazardous Waste Draft Permits to be Issued

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

PAD980550412. Lonza, Inc., 900 River Road, Conshohocken, PA 19428. Draft permit issued to Lonza, Inc., for construction of an additional hazardous waste storage tank at 900 River Road, Upper Merion Township, **Montgomery County**. Comments will be accepted at the Southeast Regional Office for the next 45 days. Comments are to be directed to Jim Wintzel, Chief Engineering Services. Draft permit issued March 19, 1996.

Applications received and approval granted 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 a household hazardous waste collection program.

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

Alcoa Technical Center, Aluminum Company of America, 100 Technical Drive, Alcoa Center, PA 15069-0001. Operation of a household hazardous waste collection center to be operated on April 21 and 22, 1996 in Upper Burrell Township, **Westmoreland County**. Application received in the Regional Office on February 28, 1996. Application and registration approved on March 20, 1996.

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

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

A. 101651. Wm. P. McGovern, Inc., 848 West Baltimore Pike, Kennett Square, PA 19348. Received new application for the construction and operation of a septage waste processing facility, and, agricultural utilization of processed septage waste, located in East Nottingham Township, **Chester County**. Application received in the Southeast Regional Office on March 19, 1996.

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

Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

01-303-007. Installation of a portable asphalt plant by **Valley Quarries, Inc.** (Gettysburg Blacktop Plant, P. O. Box J, Chambersburg, PA 17201) in Cumberland Township, **Adams County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

06-319-012C. Construction of a lead oxide mill by **General Battery Corporation** (P. O. Box 13995, Reading, PA 19612-3995) in Muhlenberg Township, **Berks County**.

06-319-103D. Construction of lead/acid battery formation operations by **East Penn Mfg. Company, Inc.** (Deka Road, Reading, PA 19536) in Richmond Township, **Berks County**.

28-323-010. Construction of two hard-chromium plating tanks by **Grove North America** (P. O. Box 21, Shady Grove, PA 17256) in Quincy Township, **Franklin County**. The sources are subject to 40 CFR, Part 63, Subpart N, National Emissions Standards for Hazardous Air Pollutants for Source Categories.

31-310-019E. Installation of a cone crusher and two conveyors at the Tyrone Quarry fine crushing plant no. 4 by **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664 in Warriors Mark, **Huntingdon County**).

01-310-051. Construction of a limestone crushing and screening plant by **Wimpey Minerals, USA** (Hanover Quarry, P. O. Box 160, Annville, PA 17003) in Oxford Township, **Adams County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

06-1016A. Construction of an air contamination source by **Grafika Commercial Printing, Inc.** (P. O. Box 1714, Reading, PA 19603) in Sinking Spring, **Berks County**.

06-318-049B. Modification of an air contamination source by **Dana Corporation** (P. O. Box 13459, Reading, PA 19612-3459) in Reading, **Berks County**.

22-301-058. Construction of a pathological incinerator by **Department of Agriculture** (2301 North Cameron Street, Harrisburg, PA 17110) in Susquehanna Township, **Dauphin County**.

36-322-001B. Installation of extraction wells and gas transmission pipes by **Chester County Solid Waste Authority** (P. O. Box 476, Honey Brook, PA 19344) at the Lanchester Sanitary Landfill in Caernarvon Township, **Lancaster County**.

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

Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

06-317-014B. The Department intends to issue an air quality operating permit to **Hershey Chocolate, USA** (P. O. Box 15087, Reading, PA 19612-5087) for a candy manufacturing operation controlled by six fabric collectors in Reading, **Berks County**.

06-318-061A. The Department intends to issue an air quality operating permit to **Reading Body Works, Inc.** (P. O. Box 650, Shillington, PA 19607) for a chassis pool spray booth and drying oven controlled by dry filters in Reading, **Berks County**.

06-318-054B. The Department intends to issue an air quality operating permit to **Can Corporation of America** (P. O. Box 170, Blandon, PA 19510) for a cylinder spray line and ten side-seam spray lines controlled by a fabric collector, ten filter boxes and a catalytic oxidizer in Maiden creek Township, **Berks County**.

22-302-110. The Department intends to issue an air quality operating permit to **The Middletown Home** (999 West Harrisburg Pike, Middletown, PA 17057) for a 300 HP natural gas/No. 2 fuel oil-fired boiler in Middletown Borough, **Dauphin County**. The source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

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

Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

03-309-035. Sylvan America, Inc. (West Hills Industrial Park, R. D. 3, Kittanning, PA 16201) for a conveyor at Sylvan Spawn Laboratory located in East Franklin Township, **Armstrong County**.

03-329-004. Apollo Gas Company (800 Regis Avenue, Pittsburgh, PA 15236) for a Waukesha eight cylinder engine at its Village Compressor Station located in Cowanshannock Township, **Armstrong County**.

04-307-112. Koppel Steel Corporation (P. O. Box 750, Beaver Falls, PA 15010) for a 7 1/2" upsetter furnace at its Ambridge Plant located in Harmony Township, **Beaver County**.

04-310-016. Heckett MultiServe (612 N. Main Street, Butler, PA 16001) for a slag reprocessing plant located in Koppel Borough, **Beaver County**.

11-306-033. Dunamis Resources, Inc. (R. R. 4, Box 1542, Homer City, PA 15748) for a coal crushing and screening operation at its South Fork Strip located in Adams Township, **Cambria County**.

26-308-014. Sensus Technologies, Inc. (450 N. Gallatin Avenue, Uniontown, PA 15401) for a foundry grinding room at its plant located in Uniontown, **Fayette County**.

30-329-003. Carnegie Natural Gas Company (800 Regis Avenue, Pittsburgh, PA 15236) for two Waukesha

engines at its Mt. Morris Compressor Station located in Dunkard Township, **Greene County**.

32-329-005. Apollo Gas Company (800 Regis Avenue, Pittsburgh, PA) for a Waukesha six cylinder engine at its Hill Compressor Station located in Washington Township, **Indiana County**.

65-310-013. Davison Sand & Gravel Company (400 Industrial Boulevard, New Kensington, PA 15068) for a limestone crushing plant at Whitney Quarry, located in Unity Township, **Westmoreland County**.

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

Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

03-000-182. The Department intends to issue an air quality control operating permit to **Apollo Gas Company**, 800 Regis Avenue, Pittsburgh, PA 15236 for an OEM retrofit for a natural gas compressor at its Fisher Station located in Redbank Township, **Armstrong County**.

26-305-033. The Department intends to issue an air quality control operating permit to **Sunshine Energies, Inc.**, 130 Cedarwood Drive, Monongahela, PA 15063 for a coal handling facility located in Connellsville Township, **Fayette County**.

30-306-004. The Department intends to issue an air quality control operating permit to **West Penn Power Company**, 800 Cabin Hill Drive, Greensburg, PA 15601 for low NOx burners with separated overfire air for coal-fired boiler #3 at its Hatfield Power Station located in Monongahela Township, **Greene County**.

32-305-031A. The Department intends to issue an air quality control operating permit to **Avonmore Rail Loading, Inc.**, R. D. 1, Box 119, Avonmore, PA 15618 for a coal loadout facility located in Conemaugh Township, **Indiana County**.

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

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

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

46-301-227A. On January 17, 1996, an application was received to amend to previous application for **New Hanover Incineration, Inc.** (3645 Church Road, Perkiomenville, PA 19061) for the additional incinerator system to be located in New Hanover Township, **Montgomery County**.

15-323-009. On July 18, 1994, an application was received from **Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19525) for the construction of a chip remover machine to be located in Tredyffrin Township, **Chester County**.

46-302-207. On March 11, 1996, an application was received from **Occidental Chemical Corporation** (Armand Hammer Boulevard, Pottstown, PA 19312) for

the construction of a three—98 MMBtu/hr Boiler to be located in Lower Pottsgrove Township, **Montgomery County**.

46-313-117B. On March 13, 1996, an application was received to amend to previous application for **Merck & Co., Inc.** (P. O. Box 4, WP20-208 Summeytown Pike, West Point, PA 19464) for the Methanol Storage Tank to be located in Upper Gwynedd Township, **Montgomery County**.

23-301-117. On March 15, 1996, an application was received from **Haven Memorial Park** (278 Thornton Road, Thornton, PA 19486) for the construction of a human crematory incinerator to be located in Chester Township, **Delaware County**.

23-312-207. On March 15, 1996, an application was received from **Sun Company, Inc.** (R&M) (P. O. Box 426, Marcus Hook, PA 19013) for the modification of a storage tank to be located in Marcus Hook Borough, **Delaware County**.

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.

14-310-004B. Construction of a railcar unloading and limestone handling system by **Bellefonte Lime Company, Inc.** (P. O. Box 448, Bellefonte, PA 16823) in Spring Township, **Centre County**.

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.

55-318-008. The Department intends to issue an operating permit to **Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) for the operation of a wood cabinet finishing line (Alpine Line) and associated air cleaning device (a regenerative thermal fume incinerator) in Middlecreek Township, **Snyder County**.

12-399-008B. The Department intends to issue an operating permit to **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834) for the operation of a powdered metal parts sizing dip operation in Shippen Township, **Cameron County**.

49-313-038. The Department intends to issue an operating permit to **Merck & Company, Inc.** (P. O. Box 600, Danville, PA 17821-0600) for the operation of wastewater/waste sludge treatment equipment at the Cherokee Plant in Riverside Borough, **Northumberland County**.

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

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

Permit: **46-329-006**
Source: Six Diesel Electric Generators
Company: **SmithKline Beecham Research**
Location: Upper Providence
County: **Montgomery**

Permit: **46-301-260**
Source: Sewage Sludge Incinerator
Company: **Hatfield Township Municipal Authority**
Location: Hatfield
County: **Montgomery**

Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental 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.

25-318-003A. The Department received a plan approval application from **Erie Hard Chrome, Inc.** (1570 East 12th Street, Erie, PA 16511) for installation of two scrubber systems (Viron Model #'s VCS-6666 @ 13,782 CFM, and VCS-7290 @ 22,000 CFM). This source is subject to 40 CFR Part 63, Subpart N.

33-309-017. The Department received a plan approval application for installation of a baghouse (Aeropulse, Inc., Model #144-10) to glass container surface treatment line from **Owens Brockway Glass Container, Inc.**, (Rt. 219 North, Brockway, PA 15824) in Snyder Township, **Jefferson County**.

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

Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

An application for plan approval has been received by this office for the construction, modification or reactiva-

tion of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **39-304-022**

Source: 5 Grinding Benches w/Baghouses

Received: March 5, 1996

Company: **Bridesburg Foundry Company**

Location: Whitehall Township

County: **Lehigh**

Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonably Available Control Technology.

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

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

OP-23-0032. On February 16, 1996, an application was received from **DELORA** (100 East Fifth Street, P. O. Box 999, Chester, PA 19013) for the construction of Facility VOC/NO_x RACT to be located in City of Chester, **Delaware County**.

OP-15-0039. On February 12, 1996, an application was received from **Ackworth Materials** (P. O. Box 1667, Blue Bell, PA 19013) for the construction of Facility VOC/NO_x RACT to be located in East Caln Township, **Chester County**.

OP-46-0077. On March 5, 1996, an application was received from **Doehler-Jarvis Pottstown, Inc.** (400 Old Reading Pike, Stowe, PA 19335) for the construction of

Facility VOC/NO_x RACT to be located in West Pottsgrove Township, **Montgomery County**.

OP-23-0033. On September 25, 1995, an application was received from **Dee Paper Company** (Front and Broomall Streets, Chester, PA 19464) for the construction of lithographic printing presses to be located in City of Chester, **Delaware County**.

Reasonably Available Control Technology; Public Hearings

Approval of Reasonably Available Control Technology (RACT) plan for Merck & Co., Inc. in Riverside Borough, Northumberland County, PA.

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a pharmaceutical manufacturing facility owned and operated by Merck & Co., Inc. in Riverside Borough, Northumberland County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The main sources for which a RACT determination is being made are four boilers. The following is a summary of the preliminary nitrogen oxides (NO_x) RACT determination for these boilers:

Source

- two 92,000,000 BTU/hour bituminous coal fired traveling grate boilers (Boilers 3 and 5).
- two 163,000,000 BTU/hour bituminous coal fired traveling grate boilers (Boilers 7 and 8).

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

- The combined VOC emissions from all four boilers shall not exceed 4.6 tons per year.

The facility incorporates additional sources for which RACT determinations will be made at a later date.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on April 29, 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

NO_x RACT limitation

- NO_x emissions not to exceed .43 pound per million BTU of heat input (3 hour average).
- NO_x emissions not to exceed .53 pound per million BTU of heat input (3 hour average).

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 May 14, 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.

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 (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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

Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.

E01-163. Encroachment. **Timeless Towns of the Americas, Inc., c/o Ramada Inn**, 2634 Emmittsburg Road, Gettysburg, PA 17325. To place fill in 0.3 acre of wetlands for the purpose of constructing a sports arena and other outdoor recreational facilities located between business Route 15 and S. R. 0015 just south of Barlow-Greenmount Road adjacent to the Ramada Inn (Fairfield, PA Quadrangle N: 5 inches; W: 5 inches) in Cumberland Township, **Adams County**. The permittee is required to construct 0.3 acre of replacement wetlands.

E06-477. Encroachment. **Delaware County Solid Waste Authority**, 1521 North Providence Road, Media, PA 19063. To place and maintain fill in approximately 0.15 acre of wetlands at the Colebrookdale Landfill (Boyertown, PA Quadrangle N: 20.5 inches; W: 12.9 inches) in Earl Township, **Berks County**. The permittee will provide 0.15 acre of replacement wetlands.

E06-478. Encroachment. **Scattered Acres, Inc.**, 209 Hartman Road, Reading, PA 19605. To construct new abutments behind the existing abutments of a deteriorated bridge and replace the beams and deck across the channel of Plum Creek at a point approximately 4,800 feet upstream of Route 183 (Bernville, PA Quadrangle N: 7.75 inches; W: 4.75 inches) in Penn Township, **Berks County**.

E06-479. Encroachment. **Reading School District**, 800 Washington Street, Reading, PA 19601. To regrade an existing pond adjacent to the Wyomissing Creek at a point at the Reading Museum (Reading, PA Quadrangle N: 14 inches; W: 11.2 inches) in the City of Reading and Wyomissing Borough, **Berks County**.

E07-254. Encroachment. **Sunny Arron Bowser, R. R. 5, Box 429, Altoona, PA 16601**. To maintain a private single span bridge having a span of 25 feet and an underclearance of 14 feet in Mill Run Creek that was repaired under Emergency Permit EP-07-96-03 after the January 19, 1996 flooding located on the south side of Old Mill Run Road about 0.3 mile downstream of the Allegheny Reservoir (Altoona, PA Quadrangle N: 1.13 inches; W: 7.9 inches) in Logan Township, **Blair County**.

E21-247. Encroachment. **Middlesex Township Municipal Authority**, 350 North Middlesex Road, Carlisle, PA 17013-8494. To install and maintain a 12-inch diameter D.I.C.L. pipe across the bed of the Conodoguinet Creek for potable water supply purposes, located about 1.2 miles west of Eckles School (Wertzville, PA Quadrangle N: 1.6 inches; W: 15.8 inches) in Middlesex Township, **Cumberland County**.

E31-129. Encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing bridge and to construct and maintain a single span structure having a clear span of 28 feet and an underclearance of about 5.2 feet across Standing Stone Creek located on Cooper Gap Road about 400 feet south of its intersection with Stone Creek Road (Barnville, PA Quadrangle N: 13.2 inches; W: 13.8 inches) in Jackson Township, **Huntingdon County**.

E36-606. Encroachment. **Lancaster Area Habitat for Humanity**, 321 South Queen Street, Lancaster, PA 17603. To construct and maintain channel improvements consisting of an 8-foot bottom width riprap lined trapezoidal channel for 150 L. F., riprap protection along approximately 800 L. F. of right downstream bank, and to place fill within the floodway of a tributary to Conestoga River located at intersection of Hager Street and Euclid Avenue (Lancaster, PA Quadrangle N: 3.7 inches; W: 9 inches) in Lancaster City, **Lancaster County**.

E36-607. Encroachment. **East Cocalico Township Authority**, P. O. Box 402, Reamstown, PA 17567. To construct and maintain an 8-inch gas main, a 6-inch sanitary forcemain, an 18-inch gravity sewer main and a 10-inch water main across wetlands and under the bed of Little Muddy Creek within 500 L. F. of concrete encasement. The utilities under the Turnpike arch-culvert for services to Turnpike 21 Industrial Park at East Muddy Creek Road (Terre Hill, PA Quadrangle N: 16.3 inches; W: 9.9 inches) in E. Cocalico Township, **Lancaster County**.

E44-077. Encroachment. **DCNR**, Bureau of Facility Design & Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing structure and to construct and maintain a single span structure having a clear span of 20 feet and an underclearance of about 5.2 feet across Tea Creek located on Coopers Gap Road about 0.8 mile east of its intersection with Flat Gap Road (Barrville, PA Quadrangle N: 14.3 inches; W: 1.8 inches) in Brown Township, **Mifflin County**.

E67-559. Encroachment. **Joseph A. Myers**, 160 Ram Dr., Hanover, PA 17331. To widen the existing concrete bridge on Pumping Station Road over Furnace Creek by installing a 15-foot wide × 4-foot high × 27-foot long reinforced concrete box culvert for the purpose of highway improvements located approximately 0.75 mile east of S. R. 0094 (Hanover, PA Quadrangle N: 3.4 inches; W: 10 inches) in West Manheim Township, **York County**.

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.

D52-190. Dam. **Sunnylands, Inc.**, 3000 Sunrise Lake, Milford, PA 18337. To modify, operate and maintain the

Sprint Lake Dam located across a tributary to Rattlesnake Creek in the Sunrise Lakes Estates Development, for the purpose of recreation, in Dingman Township, **Pike County**.

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.

EA09-009C0. Environmental Assessment. **Deluca Enterprises, Inc.**, 842 Durham Road, Suite 200, Newtown, PA 18940. To construct and maintain a nonjurisdictional dam across a tributary to Little Neshaminy Creek (WWF, MF) temporarily impacting 0.06 acre of wetlands (PFO) for the purpose of stormwater management at the proposed Country Crossing Subdivision located approximately 2,400 feet east of the intersection of Bristol Road and Route 263 (S. R. 0263) (Hatboro, PA Quadrangle N: 18.5 inches; W: 11.9 inches) in Warwick Township, **Bucks County**.

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

E10-232. Encroachment. **Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. To remove existing structure and to construct and maintain a 27.5-foot single clear span bridge with a maximum underclearance of 7.5 feet on a 90 degree skew across south branch of Slippery Rock Creek (CWF). Project is located on Calico Road (T-631) approximately 8,700 feet northwest of the intersection of Calico Road (T-631 and SR 0138) (Hilliards, PA Quadrangle N: 6.1 inches; W: 15.8 inches) located in Washington Township, **Butler County**.

E10-233. Encroachment. **Eric L. and Kimberly L. Smith**, 726 Ekastown Road, Sarver, PA 16055. To place and maintain 400 feet of 36-inch corrugated metal pipe to enclose and relocate approximately 600 feet of a tributary to Thorn Creek (CWF), drainage area approximately 200 acres) to allow for creation of a commercial development. Project is located approximately 2,200 feet west of the Borough of Saxonburg boundary on the north side of Dinnerbell Road (SR 2007) (Saxonburg, PA Quadrangle N: 0.2 inch; W: 11.0 inches) located in Jefferson Township, **Butler County**.

E24-192. Encroachment. **National Fuel Gas Supply Corp.**, 1100 State Street, P. O. Box 2081, Erie, PA 16512. To remove, replace and maintain a 12.75-inch O. D. steel natural gas pipeline across Little Clear Creek (EV) with a new pipeline of the same dimensions on the existing pipeline alignment. In addition, this project will utilize a temporary road crossing across Little Clear Creek for equipment access. The project and pipeline crossing are located on Little Clear Creek approximately 3,300 feet west of the point where Jones Township, Elk County, Benzinger Township, Elk County and Shippen Township, Cameron County meet (Wildwood Firetower, PA Quadrangle N: 2.9 inches; W: 7.9 inches) located in Jones Township, **Elk County**.

E25-534. Encroachment. **Presque Isle Yacht Club**, 1176 East Gore Road, Erie, PA 16504. To install and maintain 160 linear feet of new bulkhead in front of existing bulkhead, to remove existing bulkhead and to backfill with approximately 320 cubic yards of fill material. To lengthen existing slips and to replace existing stationary docks with floating docks. To dredge approximately 2,270 cubic yards along existing docks within the West Canal Basin. The project is located at Presque Isle Yacht Club (West Canal Basin) in Niagara Park approxi-

mately 400 feet west of the State Street approach to the Public dock (Dobbins Landing) (Erie North, PA Quadrangle N: 1.8 inches; W: 12.3 inches) located in Erie City, **Erie County**.

E40-439. Encroachment. **Luzerne County Commissioners**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. To remove the existing structure and to construct and maintain a single-span concrete bridge (County Bridge No. 45801) across a tributary to Wapwallopen Creek (CWF). The proposed bridge has a span of approximately 14 feet and an underclearance of approximately 4 feet. The bridge is located on T-375, approximately 0.1 mile north of the intersection of T-375 and S. R. 3012 (Sybertsville, PA Quadrangle N: 11.9 inches; W: 12.1 inches) in Hollenback Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E45-284A. Encroachment. **Pierce Hardy Limited Partnership**, 4121 Washington Road, McMurray, PA 15317. To amend Permit No. E45-284 to construct and maintain a channel change in an unnamed tributary to Brodhead Creek (HQ-CWF) having a length of approximately 830 feet. The proposed riprap-lined trapezoidal channel will have a minimum depth of 4 feet, a varying bottom width of 10 to 15 feet and 2 to 1 side slopes. The project is located approximately 700 feet north of the intersection of S. R. 0447 and T512 (Brushy Mountain Road) (East Stroudsburg, PA Quadrangle N: 5.3 inches; W: 10.4 inches) in Stroud Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.

E14-282. Water obstruction and encroachment. **Staimen Brothers Inc.**, P. O. Box 1235, Williamsport, PA 17701. To remove the existing superstructure of eight two-span railroad bridges across Beech Creek for the purpose of salvaging steel. The proposed work shall consist of removing the superstructures, leaving abutments and center piers intact, from existing grade that will not impact wetlands or Beech Creek: a cold water fishery. The project is located along the northern right of way of T-710 approximately 5.0 miles west of the intersection of S. R. 0364 and T-710 (Snow Shoe SE, PA Quadrangle N: 17.2 inches; W: 6.1 inches) in Curtin Township, **Centre County**.

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

E09-712. Encroachment. **Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067. To construct and maintain a 70-foot by 130-foot sludge drying bed associated with the Municipal Authority of the Borough of Morrisville-Water Treatment Plant within the 100 year floodplain of the Delaware River adjacent to the intersection of Ferry Road and River Road (SR 0032) (Trenton West NJ-PA USGS Quadrangle N: 17.25 inches; W: 5.0 inches) in Lower Makefield Township, **Bucks County**.

E09-713. Encroachment. **The Wolfson Group, Inc.**, 801 E. Germantown Pike, Norristown, PA 19401. To relocate, construct and maintain 1,425 linear feet of an unnamed tributary to Licking Run Creek (TSF) associated with the proposed Richland Crossing Retail Center construction. This project will consist of the modification and extension of an existing 48-inch diameter C.M.P. stream enclosure which conveys this tributary beneath

S. R. 309. Also included will be the construction and maintenance of four R. C. box culvert/stream enclosure structures having lengths of 108-feet, 45-feet, 130-feet and 60-feet each with a 20-foot wide by 5-foot high opening. These structures will convey the relocated tributary beneath proposed access roads associated with the project. This project also includes placement of fill material in 3.65 acres of an adjacent wetland (PF01A). The site is situated between S. R. 0309 (West End Boulevard) and S. R. 0405 (California Road) at a point approximately 1,600 feet north from the intersection of S. R. 0309 and S. R. 0663 (Broad Street) (Quakertown, PA Quadrangle N: 13.5 inches; W: 14.75 inches) in Richland Township, Quakertown Borough, **Bucks County**.

E46-737. Encroachment. County of Montgomery, Court Courthouse, Norristown, PA 19404. To repair and maintain an existing steel bridge with a 76-foot clear span and an underclearance which varies from 7-feet to 11-feet. The work consists of performing the following activities:

1. Placement of concrete around an existing deteriorated stone masonry abutment
2. Replacement of the steel deck panels, bracing and end posts
3. Construction of additional guiderails and replacing portions of the existing guiderail
4. Filing a scour hole with R-5 riprap adjacent to the deteriorated abutment

The bridge is located across Park Creek on Cedar Hill Road, 1,500 feet southwest of the intersection of Cedar Hill Road and S. R. 63 (Ambler, PA Quadrangle N: 15.9 inches; W: 10.1 inches) in Horsham Township, **Montgomery County**.

Applications received 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.

Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

WA2-1003. Water allocation. City of Duquesne. The applicant is requesting permission to acquire rights for the acquisition of water from the Municipal Authority of Westmoreland County. The applicant is requesting permission to purchase a maximum of 1 million gallons per day (1.0 mgd) of water (3.785 million liters per day of water) from the Municipal Authority of Westmoreland County, **Westmoreland County, PA**.

ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different

time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Permits Issued

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

NPDES Permit No. PA0023426. Industrial waste, **The Borough of Dayton**, P. O. Box 396, Dayton, PA 16222 is authorized to discharge from a facility located at Dayton Borough Water Treatment Plant, Dayton/Belknap Road, Wayne Township, **Armstrong County** to Glade Run.

NPDES Permit No. PA0093203. Sewage, **The Pennsylvania State University**, New Kensington Campus, 113 Physical Plant Building, University Park, PA 16802 is authorized to discharge from a facility located at New Kensington Campus Sewage Treatment Plant, Upper Burrell Township, **Westmoreland County** to an unnamed tributary of Pucketa Creek.

NPDES Permit No. PA0096954. Sewage, **Interstate 79 Associates**, 4839 Campbells Run Road, Pittsburgh, PA 15205 is authorized to discharge from a facility located at Meadowlands Park Sewage Treatment Plant, North Strabane Township, **Washington County** to unnamed tributary of Chartiers Creek.

NPDES Permit No. PA0204951. Sewage, **Ott Enterprises, Inc.**, 208 Rivercrest Drive, Moon Township, PA 15108 is authorized to discharge from a facility located at Woodlands Sewage Treatment Plant, Sewickley Hills Borough, **Allegheny County** to unnamed tributary of Kilbuck Run.

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

NPDES Permit No. PA0093301. Sewage, **South Butler School District**, P. O. Box 657, Saxonburg, PA 16056 is authorized to discharge from a facility located in Penn Township, **Butler County** to an unnamed tributary of Thorn Creek.

Northcentral Regional Office: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.

NPDES Permit Number PA0114715. Sewerage, **Hemlock Municipal Sewer Cooperative**, P. O. Box 243, Bloomsburg, PA 17815 has been renewed. This renewal is to discharge to Fishing Creek, located Montour Township, **Columbia County**. All administrative requirements have been met.

NPDES Permit Number PA0028282. Sewerage, **Eagles Mere Borough Authority**, P. O. Box 393, Eagles

Mere, PA 17731-0393 has been renewed. The existing monitoring still applies for all three discharges and was attached to the Water Quality Protection Report. These discharges are heavy during the vacation season. The Notices were published on January 27, 1996 and as of this date no adverse comments have been received. It is located in Eagles Mere Boro, **Sullivan County**.

NPDES Permit Number PA0032514. Sewerage. **Department of Conservation and Natural Resources**, Bureau of State Parks, Denton Hill State Park, R. D. 1, Box 136, Galeton, PA 16922-9782. Has been renewed to discharge treated sewage from sewage treatment plant serving Denton Hill State Park in Ulysses Township, **Potter County**. No adverse comments have been received.

NPDES Permit Number PA0114294. Sewerage. **Richard Morris**, R. D. 2, Box 299, Catawissa, PA 17820. The permit has been renewed. The receiving water is Little Roaring Creek, located in Mayberry Township, **Montour County**.

NPDES Permit Number PAG044841. Sewerage. **John C. Winder**, R. R. 1, Box 287A, Linden, PA 17744. The permit has been renewed, the receiving water is unnamed tributary of Little Pine Run, located in Woodward Township, **Lycoming County**.

NPDES Permit Number PAG044836. Sewerage. **Victor L. Smith**, R. R. 5, Box 410, Williamsport, PA 17701. The permit has been renewed, the receiving water is unnamed tributary of Grafius Run, located in Loyalsock Township, **Lycoming County**.

NPDES Permit Number PAG044840. Sewerage. **Roger C. Steadman**, R. D. 2, Box 128, Genesee, PA 16923. The permit has been renewed. The receiving water is unnamed tributary of Middle Branch Genesee River, located in Genesee Township, **Potter County**.

NPDES Permit Number PA0209317. Sewerage. **Oakridge Personal Care Home**, R. D. 2, Box 195A, Mill Hall, PA 17751 has been approved to construct a sewage treatment facility to serve the residence of Oakridge Personal Care Home located in Colebrook Township, **Clinton County**.

NPDES Permit Number PA 0032361. Sewerage. **Williamsport Area School District**, 201 West Third Street, Williamsport, PA 17701 has been approved for renewal of permit to discharge treated sewage to the west branch Susquehanna River, location Woodward Township, **Lycoming County**.

NPDES Permit Number PA 0032352. Sewerage. **Williamsport Area School District**, 201 West Third Street, Williamsport, PA 17701 has been approved for renewal of permit to discharge treated sewage to the west branch Susquehanna River, location Hepburn Township, **Lycoming County**.

NPDES Permit Number PAG044852. Sewerage. **Terrence D. Hesser**, 610 South Academy Street, Boalsburg, PA 16827 has been approved for renewal of permit to discharge treated domestic wastewater from single family residence located in Harris Township, **Centre County**.

NPDES Permit Number PAG044838. Sewerage. **Carol L. Girio**, R. R. 2, Box 265, Linden, PA 17744, has been approved for renewal of permit to discharge treated domestic wastewater from single family residence located in Woodward Township, **Lycoming County**.

NPDES Permit Number PAG044850. Sewerage. **Sherry Spingola**, P. O. Box 81, Bigler, PA 16825 has been approved for construction of single family treatment system located in Bradford Township, **Clearfield County**.

NPDES Permit Number PA0111911. Industrial waste. **Robert D. Kreitz**, Construction Specialties, Inc., P. O. Box 380, Muncy, PA 17756. The permit has been renewed to discharge industrial waste from their manufacturing plant. The discharge is to an unnamed tributary of Turkey Run (actually a pond just east of Turkey Run) which is classified as warm water fishery. The location is Clinton Township, **Lycoming County**.

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

NPDES Permit No. PA-0060984. Sewerage. **Benton Hills Corporation**, R. R. 1, Box 8095, Milford, PA 18337 is authorized to discharge from a facility located in Benton Township, **Lackawanna County** to an unnamed tributary to south branch of Tunkhannock Creek.

NPDES Permit No. PA-0063495. Industrial waste. **Travel Ports of America, Inc.**, 3495 Winton Place, Building C, Rochester, New York 14623 is authorized to discharge from a facility located in Upper Macungie Township, **Lehigh County** to an unnamed tributary of Cedar Creek.

NPDES Permit No. PA-0063517. Sewerage. **Bonhams Nursing Center**, R. R. 1, Box 64, Stillwater, PA 17878 is authorized to discharge from a facility located in Huntington Township, **Luzerne County** to Pine Creek.

NPDES Permit No. PA-0062201. Sewerage. **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901 is authorized to discharge from a facility located in the Borough of Gordon, **Schuylkill County** to Mahanoy Creek.

NPDES Permit No. PA-0033863. Sewerage. **Camp-A-While, Inc.**, R. R. 1, Box 334, Hegins, PA 17938 is authorized to discharge from a facility located in Hegins Township, **Schuylkill County** to Pine Creek.

NPDES Permit No. PA-0020028. Sewerage. **Air Products and Chemicals, Inc.**, P. O. Box 351, R. R. 1, Tamaqua, PA 18252 is authorized to discharge from a facility located in Rush Township, **Schuylkill County** to Neifert Creek.

NPDES Permit No. PA-0036382. Sewerage. **Camp Morasha—A Division of Metropolitan New York Commission on Torah Education, Inc.**, 1318 Avenue J, Brooklyn, New York 11230 is authorized to discharge from a facility located in Buckingham Township, **Wayne County** to an unnamed tributary of Equinunk Creek.

Notices of Intent for Coverage Under NPDES General Permit for Construction Activities and Department Final Actions

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

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions

contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

The application and related documents, including the

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

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR104103	Kane Country Club P. O. Box 759 Kane, PA 16735	McKean County Wetmore Township	Unnamed tributary Wilson Run

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.

PAS-10-H048. Individual NPDES. **Max Hempt and James Mumper** (Hillside Farms), 205 Creek Road, Camp Hill, PA 17011. To implement an erosion and sedimentation control plan for a single family housing development called Hillside Farms on 155 acres in Silver Spring Township, **Cumberland County**. The project is located just north of the Cumberland Valley High School (Mechanicsburg, PA Quadrangle N: 22.1 inches; W: 9.5 inches). Drainage will be to Conodoguinet Creek.

PAS-10-P018. Individual NPDES. **Peter B. Shirk**, Route 2, Box 62A, Denver, PA 17517. To implement an erosion and sedimentation control plan for the Newburg Village residential development on 120 acres in Mill Creek Township, **Lebanon County**. The project is located along east side of South Sheridan Road, about 2,000 feet south of S. R. 419 intersection (Womelsdorf, PA Quadrangle N: 18 inches; W: 11 inches). Drainage will be to a tributary of Mill Creek.

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10K013	Department of Transportation 1140 Liberty Street Franklin, PA 16323	Erie County Greenfield Township	Twelve Mile Creek West Branch French Creek

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

Permits Issued

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

Permit No. 0472402. Amendment No. 3. Sewerage, **City of Beaver Falls**, 715 15th Street, Beaver Falls, 15010. Construction of sewage treatment plant expansion, interceptor sewer expansion located in City of Beaver Falls, **Beaver County** to serve the Beaver Falls STP.

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 Terrace Street Sanitary Sewer**, 984 Water Street, Meadville, PA 16335. This project is for plans to replace the Terrace Street Sanitary Sewer in the City of Meadville, **Crawford County**.

Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

Permit No. WQM, 1795408A-1. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to construct sewage treatment facility located in Bradford Township, **Clearfield County** to the following: Bradford Township/Kephart Residence.

Permit No. WQM, 1795408A-2. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to construct sewage treatment facility located in Bradford Township, **Clearfield County**: Bradford Township/Goodrow Residence.

Permit No. WQM, 1795408A-7. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to construct sewage treatment facility located in Bradford Township, **Clearfield County**: Bradford Township/Gross Residence.

Permit No. WQM, 1795408A-6. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to

construct sewage treatment facility located in Bradford Township, **Clearfield County**: Bradford Township/Turner Residence.

Permit No. WQM, 1795408A-3. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to construct sewage treatment facility located in Bradford Township, **Clearfield County**: Bradford Township/Button-Luzier Residence.

Permit No. WQM, 1795408A-10. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to construct sewage treatment facility located in Bradford Township, **Clearfield County**: Bradford Township/Woodling Residence.

Permit No. WQM, 1795408A-5. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to construct sewage treatment facility located in Bradford Township, **Clearfield County**: Bradford Township/Wright Residence.

Permit No. WQM, 1795408A-8. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to construct sewage treatment facility located in Bradford Township, **Clearfield County**: Bradford Township/Green Residence.

Permit No. WQM, 1795408A-12. Bradford Township, P. O. Box 79, Woodland, PA 16881 has been authorized to construct sewage treatment facility located in Bradford Township, **Clearfield County**: Bradford Township/Spingola Residence.

Permit No. WQM, 1895405. Sewerage. Oakridge Personal Care Home, R. D. 2, Box 195A, Mill Hall, PA 17751 has been approved to construct a small flow treatment facility located in Colebrook Township, **Clinton County** to serve Oakridge Personal Care Home.

Permit No. WQM, 5596201. Industrial waste. Robert J. Shovlin, Vice President, Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101-1179 has been approved to construct a new treatment plant for the miscellaneous plant wastewater. Additionally, a Bentomat or concrete liner will be constructed on the initial settling pond of ash basin no. 1. This is located in Shamokin Dam Borough, **Snyder County**.

Plan approvals granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-0530.

Location: Lawrence Township, Tioga County.

Project Description: This Act 537 update provides for construction of a new sewage collection system to serve the Tioga Junction and Somers Lane areas of the township. A new manufacturing facility (18,000 gal/da) and the existing Williamson public school complex will also be sewered. Treatment of the collected wastewater will be accomplished in a new, 130,000 gal/day treatment facility to be built adjacent to the existing school STP. The school's treatment facility will be abandoned upon completion of Lawrence Township's new facility. Discharge of the treated effluent will be to the Tioga River.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

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

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

Permit No. 61195503. Public water supply. Rouseville Municipal Waterworks, P. O. Box 317, 8 Main Street, Rouseville, PA 16344-0317. This permit is for the installation and use of corrosion control treatment. A polyphosphate solution (Aquamag) is proposed to be fed into the system.

Type of Facility: Public water supply.

Consulting Engineer: David A. Johnson, D. A. Johnson & Associates, Box 11, Corry, PA 16407.

Permit to Construct Issued: March 19, 1996.

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

Permit No. 3695512. City of Lancaster Authority, Columbia Borough, **Lancaster County**, (James J. Kirchner, Chair, City of Lancaster Authority, 120 North Duke Street, Lancaster, PA 17603), addition of rapid and static mixers, corrosion control feed system, and modification of existing carbon, KMnO₄, fluoride and coagulant aid feed systems.

Permit No. 3695510. West Donegal Township Authority, W. Donegal Twp., **Lancaster County**, (Ray Witmer, 7 West Ridge Road, Elizabethtown, PA 17022), the addition of well no. 6 @ 300 gpm to act as a backup well for well no. 5.

Permit No. 0595501. Evitts Creek Water Company c/o City of Cumberland, Cumberland Valley Twp., **Bedford County**, (John J. DiFonzo, P.E., City Engineer, P. O. Box 1702, Cumberland, MD 21501-1702), the project designed to upgrade the existing 12 mgd Cumberland Water Filtration Plant includes: 1) installation of a new mechanical mixer, 2) retrofit of the existing two clarifiers with dissolved air flotation unit, 3) modification of the existing six filters with new granular activated carbon and sand, 4) improvement of the existing chemical feed systems, 5) construction of a new 1.6 mgd finished water storage tank and, 6) construction of vacuum assisted sludge drying beds.

Permit No. 3695511. Millersville Borough Municipal Water Authority, Millersville Borough, **Lancaster County**, (Michael Morris, Manager, 10 Colonial Avenue, Millersville, PA 17551), installation of chemical feed system to inject a phosphate-based corrosion inhibitor into the Borough's system.

Permit No. 0795502. Ross Mobile Homes, Inc., Logan Twp. **Blair County**, (Thomas C. Ross, Ross Mobile Homes, Inc., 1648 East Pleasant Valley Boulevard, Altoona, PA 16602), use of well no. 3 as source of supply to augment the existing system.

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

Permit No. 0995516. Public water supply. Quakertown Borough, David L. Woglom, 15-35 North Second Street, Quakertown, PA 18951. This proposal involves to construct a 1.75 MG concrete storage tank. This tank will replace an existing 0.75 MG covered finished water reservoir which will be demolished and backfilled in Quakertown Borough, **Bucks County**.

Type of Facility: Distribution Storage Tank.

Consulting Engineer: Boucher and James, Inc., 127 S. Fifty Street, Suite 300, Quakertown, PA 18951.

Permit to Construct Issued: March 7, 1996.

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

FeeCorp Corporation, 7995 Allen Road, Canal Winchester, OH 43110; License No. **PA-AH 0515**; license issued March 22, 1996.

Diablo Systems Incorporated, dba Diablo Transportation, Inc., c/o Tri-State Motor Transit Co., P. O. Box 113, Joplin, MO 64802; License No. **PA-AH 0516**; license issued March 20, 1996.

Safety-Kleen Canada, Inc., 300 Woolwich Road, Breslau, ON N0B 1M0; License No. **PA-AH 0517**; license issued March 20, 1996.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Casie Ecology Oil Salvage, Inc., t/a Casie/Protank, P. O. Box 92, Franklinville, NJ 08322; License No. **PA-AH 0307**; license issued March 18, 1996.

Custom Environmental Transport, Inc., One Rollins Plaza, Wilmington, DE 19803; License No. **PA-AH 0319**; license issued March 18, 1996.

Frank's Vacuum Truck Service, Inc., 4500 Royal Avenue, Niagara Falls, NY 14303; License No. **PA-AH 0331**; license issued March 18, 1996.

S-J Transportation Co., P. O. Box 169, Woodstown, NJ 08098; License No. **PA-AH 0015**; license issued March 18, 1996.

The Trustees of the University of Pennsylvania, 1408 Blockley Hall, Philadelphia, PA 19104-6021; License No. **PA-AH S192**; license issued March 18, 1996.

U. S. Bulk Transport, Inc., 6286 Sterrettani Road, Fairview, PA 16415; License No. **PA-AH 0408**; license issued March 18, 1996.

Valley City Disposal, Inc., 1040 Market Street SW, Grand Rapids, MI 49503; License No. **PA-AH 0410**; license issued March 18, 1996.

Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

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

Casie Ecology Oil Salvage, Inc., t/a Casie/Protank, P. O. Box 92, Franklinville, NJ 08322; License No. **PA-AH 0307**; amended license issued March 18, 1996.

Custom Environmental Transport, Inc., One Rollins Plaza, Wilmington, DE 19803; License No. **PA-AH 0319**; amended license issued March 18, 1996.

Frank's Vacuum Truck Service, Inc., 4500 Royal Avenue, Niagara Falls, NY 14303; License No. **PA-AH 0331**; amended license issued March 18, 1996.

The Trustees of the University of Pennsylvania, 1408 Blockley Hall, Philadelphia, PA 19104-6021; License No. **PA-AH S192**; amended license issued March 18, 1996.

U. S. Bulk Transport, Inc., 6286 Sterrettani Road, Fairview, PA 16415; License No. **PA-AH 0408**; amended license issued March 18, 1996.

Valley City Disposal, Inc., 1040 Market Street SW, Grand Rapids, MI 49503; License No. **PA-AH 0410**; amended license issued March 18, 1996.

Receipt and Approval of an Application to Conduct a Household Hazardous Waste Collection and Management Program

Westmoreland County

Under section 1512(h) of the Municipal Waste Planning, Recycling and Waste Minimization Act (35 P. S. §§ 4000.1512(h)) (Act 101), the Department of Environmental Protection announces its receipt and approval of an application for the registration and conduct of a program designed for the collection and management of household type hazardous wastes. The program will be sponsored by ALCOA, Inc. and will entail two events at the company's Technical Center on April 21 and 22, 1996.

Act 101 authorizes municipalities/persons to conduct such programs, provided they have registration approval from the Department. Additional information on this application may be obtained by contacting Robert Popichak, of the Department's Southwest Regional Office at (412) 442-4160.

Notice of Appeal

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, (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.

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

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

Permit No. PAD002387926. Merck and Company, Inc., P. O. Box 4, West Point, PA 19486. This permit is issued for the continuing operation of a hazardous waste incinerator located on Summeytown Pike, Upper Gwynedd Township, **Montgomery County**. Permit issued in the Southeast Regional Office on March 19, 1996.

Permit renewals issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

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

Permit I. D. No. 100663. Kelly Run Landfill, Kelly Run Sanitation, Inc., P. O. Box 333, Route 51, Elizabeth, PA 15037. Operation of the Kelly Run Landfill in Forward Township, **Allegheny County**. Permit renewed in the Regional Office on March 13, 1996.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.

Permit No. 101100. (Permit Modification). **Mountain View Reclamation, Waste Management of PA, Inc.,** (Community Refuse, Ltd., 3 Greenwood Square, Bensalem, PA 19020). Construction and operation of a 72-acre landfill expansion to be known as the Eastern Expansion in Antrim and Montgomery Townships, **Franklin County**. Permit issued in the Regional Office March 18, 1996.

Permit No. 603387. England Farm (Royer Farm), Altoona City Authority, (20 Greenwood Road, Altoona, PA 16602). Application for agricultural utilization of sewage sludge for modification for addition of farm to existing permit for a site in Woodbury Township, **Blair County**. Permit issued in the Regional Office March 21, 1996.

Permit No. 603387. England Farm (Hoffner Tract), Altoona City Authority, (20 Greenwood Road, Altoona, PA 16602). Application for agricultural utilization of sewage sludge for modification for addition of farm to existing permit for a site in Catherine Township, **Berks County**. Permit issued in the Regional Office March 21, 1996.

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

Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516.

I. D. No. 100022. Chrin Brothers, Inc. Sanitary Landfill, 635 Industrial Drive, Easton, PA 18042. A Permit Modification, authorizing a disposal area expansion (Setcer/Highwall Expansion) and other operational changes at this Municipal Waste Landfill, located in Williams Township, **Northampton County**. The Permit Modification was issued by the Regional Office on March 11, 1996.

I. D. No. 603400. Daniel W. Kistler Farm, Lewis Rinehart, 305 Birch Street, Walnutport, PA 18088. Permit for the Agricultural Utilization of Sewage Sludge by this facility, located in Lynn Township, **Lehigh County**. The permit was issued by the Regional Office on March 12, 1996.

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

Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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

Permit: **39-312-021A**
Source: Loading Rack with Flare
Company: **Agway Petroleum Corporation**
Location: Macungie Borough
County: **Lehigh**

Permit: **40-305-015**
Source: Anthracite Bank Coal Cleaning
Company: **Northampton Fuel Supply Company**
Location: Jenkins Township
County: **Luzerne**

Permit: **48-310-028**
Source: Stone Crushing Plant/Water Spray
Company: **Chrin Brothers Sanitary Landfill**
Location: Williams Township
County: **Northampton**

Permit: **54-321-009**
Source: Rear Bleachery W/Lint Filters
Company: **Morgan Knitting Mills, J.E.**
Location: Rush Township
County: **Schuylkill**

Permit: **54-321-010**
Source: Front Bleachery W/Lint Filters
Company: **Morgan Knitting Mills, J. E.**
Location: Rush Township
County: **Schuylkill**

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

Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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: **39-302-150**
Source: (3) 1600KW Diesel Generators
Company: **Lafarge Corporation**
Location: Whitehall Township
County: **Lehigh**

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

Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

A plan approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-301-038**

Source: Human Crematory (Type 4)

Issued: March 5, 1996

Company: **Maple Hill Cemetery Association**

Location: Archbald Borough

County: **Lackawanna**

Permit: **40-399-035**

Source: Portable Ash Conditioning System

Issued: February 20, 1996

Company: **J T M Industries**

Location: City of Hazleton

County: **Luzerne**

Permit: **48-320-006B**

Source: 4 Presses (VOC Synthetic Minor)

Issued: February 21, 1996

Company: **James River Paper Company Inc.**

Location: Forks Township

County: **Northampton**

Permit: **54-310-010A**

Source: Fuel Prep Plant w/Baghouses

Issued: March 6, 1996

Company: **Northeastern Power Company**

Location: Kline Township

County: **Schuylkill**

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

Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

06-302-089A. On March 15, 1996, the Department issued a plan approval to **Dietrich's Milk Products, Inc.** (100 McKinley Avenue, Reading, PA 19605) for the modification of a boiler to burn No. 3 and No. 4 fuel oil at their Reading Plant in Muhlenberg Township, **Berks County**.

28-329-001. On March 15, 1996, the Department issued a plan approval to the **Borough of Chambersburg** (160 North Second Street, Chambersburg, PA 17201) for the construction of a natural gas/#2 oil engine-generator set in Chambersburg Borough, **Franklin County**.

38-318-032. On March 13, 1996, the Department issued a plan approval to **PA Department of Military Affairs** (Fort Indiantown Gap, Annville, PA 17003-5001) for the construction of a paint spray area in East Hanover Township, **Lebanon County**.

44-320-001H. On March 15, 1996, the Department issued a plan approval to **Trinity Packaging Corporation** (13 Industrial Park Road, Lewistown, PA 17044) for the installation of a four-unit flexographic printing press with accompanying dryers in Granville Township, **Mifflin County**.

67-310-035A. On March 12, 1996, the Department issued a plan approval to **Global Stone PenRoc, Inc.** (P. O. Box 1967, York, PA 17405-1967) for the modification of a roofing plant in West Manchester Township, **York**

County. The source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

07-302-032. On March 18, 1996, the Department issued a plan approval to **Quality Chemicals, Inc.** (P. O. Box 216, Tyrone, PA 16686) for the construction of two natural gas-fired boilers, each controlled by low NOx burners and flue gas recirculation at Tyrone Industrial Park, Tyrone Borough, **Blair County**. The sources are subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

03-000-027. On February 28, 1996, a plan approval expiration date was extended to May 31, 1996 for **Pennsylvania Electric Company** (1001 Broad Street, Johnstown, PA 15907) for low NOx burners for a steam electric generator at its Keystone Generating Station located in Plumcreek Township, **Armstrong County**.

04-312-025A. On February 28, 1995, a plan approval expiration date was extended to September 30, 1996 for **Interstate Chemical Company, Inc.** (2797 Freedland Road, Hermitage, PA 16148) for two above ground storage tanks at its Vanport-West Terminal located in Beaver Borough, **Beaver County**.

63-313-017A. On February 28, 1995, a plan approval expiration date was extended to June 1, 1996 for **Flexsys America L. P.** (829 Route 481, Monongahela, PA 15063) for a biofilter at its Monongahela Plant located in Carroll Township, **Washington County**.

04-307-074A. On March 8, 1996, a plan approval was issued to **Brighton Electric Steel Casting Company** (P. O. Box 206, Beaver Falls, PA 15010) for electric induction furnaces at its facility located in Beaver Falls, **Beaver County**.

04-309-008D. On March 12, 1996, a plan approval was issued to **Armstrong World Industries, Inc.** (1018 Eleventh Street, P. O. Box 441, Beaver Falls, PA 15010) for baghouses for RIMS, conveyors and the embossing line at its facility located in Beaver Falls, **Beaver County**.

04-310-014. On February 28, 1995, a plan approval was issued to **Martin Marietta Aggregates** (120 Mallard St., Suite 300, St. Rose, LA 70087) for a sand and gravel processing operation at its Georgetown Plant located in Greene Township, **Beaver County**.

11-306-002A. On March 13, 1996, a plan approval was issued to **Cambria CoGen Company** (7201 Hamilton Blvd., Allentown, PA 18195) for dust collectors for a fuel handling system at its facility located in Cambria Township, **Cambria County**.

32-310-001A. On March 12, 1996, a plan approval was issued to **Edward C. Griffith Quarrying, Inc.** (R. D. 1, Box 176, Rochester Mills, PA 15771) for a Hewitt Robins jaw crusher at its facility located in North Mahoning Township, **Indiana County**.

65-318-063. On February 28, 1996, a plan approval was issued to **Burkhart Auto Body** (P. O. Box 71, Murrysville, PA 15668) for paint spray booths at its facility located in North Huntingdon Township, **Westmoreland County**.

Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476.

Bond Forfeiture Contract Awarded: No. BF 369-101.1.

Location: Marion Township, **Butler County**.

Description: Abandoned Mine Land Reclamation Project, H & D Coal Company, Mining Permit No. 10850102, Marion Township, Butler County, PA; Contractor: J & J Snyder, Inc.; Amount: \$13,045; Date of Award: March 20, 1996.

The Department of Environmental Protection has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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, 400 Market Street Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (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 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.

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

E02-1134. Encroachment. **Department of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To remove the existing structures and to construct and maintain new structures in the channel of Sawmill Run, Weyman Run and two unnamed tributaries to Weyman Run (east branch Weyman Run and west branch Weyman Run); to relocate and maintain an unnamed tributary to Weyman Run (east branch Weyman Run); and to construct and maintain a temporary road crossing consisting of two 8-foot diameter culverts in Sawmill Run, as per attached list for the purpose of improving the intersection of S. R. 0051 and S. R. 0088. The project is located at the intersection S. R. 0051 and S. R. 0088, Section 10A (Pittsburgh East, PA Quadrangle N: 1.3 inches; W: 16.8 inches) in the City of Pittsburgh and Whitehall Borough, **Allegheny County**.

Department of Transportation, 1620 N. Juniata St., Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a bridge having two clear spans of 137 feet each and a minimum underclearance of 23.25 feet across an unnamed tributary to Flaugherty Creek located at a point 147 feet downstream of the existing bridge on S. R. 2006, Section 001, Station 55+32 (Wittenberg, PA Quadrangle N: 8.8 inches; W: 13.7 inches) in Larimer Township, **Somerset County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E63-406. Encroachment. **Washington County Commissioners**, Courthouse Square, 100 West Beau St.,

Washington, PA 15301. To rehabilitate and maintain the existing two span County Bridge No. 63 having a total span of 54.0 feet with an underclearance of 10.0 feet across Chartiers Creek. This project is located on Township Road 390 approximately 200 feet from the intersection of S. R. 4022 and T-390 (Washington West, PA Quadrangle N: 8.3 inches; W: 3.7 inches) in Canton Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E63-407. Encroachment. **Washington County Commissioners**, Courthouse Square, 100 West Beau St., Washington, PA 15301. To rehabilitate and maintain the existing County Bridge No. 21 having a span of 9.5' and underclearance of 8.1', across Little Daniels Run. The bridge is located on Township Road 365 (Wherry School Road) approximately 125 feet from the intersection of S. R. 2011 and T-365 (Ellsworth, PA Quadrangle N: 7.5 inches; W: 14.1 inches) in West Bethlehem Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E65-627. Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To operate and maintain a culvert consisting of two 72-inch reinforced concrete pipes constructed under Emergency Permit No. EP6595205 in Shupe Run on S. R. 2007, Segment 0010, offset 0247 and to maintain fill in a de minimus area of wetlands less than or equal to 0.05 acre (Mt. Pleasant, PA Quadrangle N: 6.2 inches; W: 5.1 inches) in Mt. Pleasant Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302), sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) (*Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

Permits Issued and Actions on 401 Certification

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

E25-531. Encroachment. **Department of Transportation**, District 1-0, 140 Liberty Street, Franklin, PA 16323. To authorize the following structures and activities associated with the construction of the westbound lanes of the Southern Tier Expressway (SR 0017) from the interchange at I-90 to the PA-NY state line, a total distance of approximately 8 miles, in Greenfield Township, **Erie County**:

To extend and maintain the following stream enclosures:

1. An 84-inch diameter RCC pipe to a total length of 200 feet in a tributary to Twelvemile Creek at Station 90+50 E. B. (North East, PA-NY Quadrangle N: 4.8 inches; W: 16.5 inches).

2. A 60-inch diameter RCC pipe to a total length of 177 feet in a tributary to Twelvemile Creek at Station 101+70 E. B. (North East, PA-NY Quadrangle N: 4.7 inches; W: 16.0 inches).

3. A 108-inch diameter RCC pipe to a total length of 400 feet in a tributary to Twelvemile Creek at Station 154+50 E. B. (North East, PA-NY Quadrangle N: 4.1 inches; W: 13.4 inches). Also included is the construction of about 44 feet of realigned stream channel located at the outlet of the enclosure.

4. An 8-foot wide by 4-foot high RC box to a total length of 213 feet in a tributary to Twelvemile Creek at Station 167+10 E. B. (North East, PA-NY Quadrangle N: 4.0 inches; W: 12.8 inches).

5. An 84-inch diameter RCC pipe to a total length of 290 feet in a tributary to Twelvemile Creek at Station 179+30 E. B. (North East, PA-NY Quadrangle N: 3.9 inches; W: 12.25 inches).

6. A 72-inch diameter RCC pipe to a total length of 444 feet in a tributary to west branch French Creek at Station 220+60 E. B. (North East, PA-NY Quadrangle N: 2.9 inches; W: 7.1 inches).

7. A 48-inch diameter RCC pipe to a total length of 310 feet in a tributary to west branch French Creek at Station 302+30 E. B. (North East, PA-NY Quadrangle N: 0.4 inch; W: 7.1 inches).

To install approximately 80 feet of rock riprap streambank protection along the left (east) bank of west branch French Creek and to maintain two bridges across west branch French Creek and associated channel work as authorized under Permit No. 2574721, as amended by letter dated July 1, 1983. The bridge on the eastbound lanes is a 3-span bridge having a center span of 60 feet and two side spans of 40 feet. The bridge on the westbound lanes is a 3-span bridge having a center span of 80 feet and two side spans of 40 feet. (North East, PA-NY Quadrangle N: 0.4 inch; W: 4.1 inches).

To fill a total of 4.58 acres of wetlands associated with roadway construction. Of the 4.58 acres, approximately 2.0 acres are forested wetlands, 0.25 acre is scrub/shrub wetland and 2.33 acres are emergent wetlands. A total of 5.78 acres of replacement wetlands will be created in an area adjacent to SR 0017.

E25-532. Encroachment. Lakeview Development Corporation, Route 89, Box 481, North East, PA 16428. To fill 0.05 acre of wetland for the improvement of an existing driving range associated with Lakeview Country Club located 500 feet east of SR 0089, approximately 2,000 feet south of I-90 (North East, PA Quadrangle N: 10.7 inches; W: 10.00 inches) in North East Township, **Erie County**. Since the project involves fill of wetlands totaling 0.05 acre or less, no replacement is required per the Department's DeMinimus Wetland Policy.

E25-533. Encroachment. Erie Art Museum, 411 State Street, Erie, PA 16501. To construct and maintain an 80-foot long by 10-foot wide wood ramp and an 18-foot wide by 18-foot long observation deck supported by wood posts over wetlands in Presque Isle State Park approximately 1 mile north of the Park entrance on the Bay side of the Park (Erie North, PA Quadrangle N: 0.5 inch; W: 19.6 inches) located in Millcreek Township, **Erie County**.

E27-052. Encroachment. Tennessee Gas Pipeline Company, Suite 200, 2000 Corporate Drive, Wexford, PA 15090. To rehabilitate, operate and maintain a 24-inch diameter (300-1) and a 30-inch diameter (300-2) high pressure natural gas pipelines across Hemlock Creek and associated wetlands located approximately 1.9 miles north, northeast of the point where Venango, Forest and Clarion Counties meet (Tionesta, PA Quadrangle N: 7.0 inches; W: 13.4 inches) located in Tionesta Township, **Forest County**.

Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.

E34-082. Encroachment. Mary Swartz, R. R. 2, Box 51, McAlisterville, PA 17049. To maintain a 5-foot diameter C.M.P. culvert in a tributary to Cocolamus Creek constructed under Emergency Permit EP34-95-01 for the purpose of reducing local flooding on S. R. 0035 located about 200 feet south of S. R. 0035 and about 2.7 miles east of McAlisterville (Beaver Springs, PA Quadrangle N: 5.1 inches; W: 14.9 inches) in Fayette Township, **Juniata County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E09-695. Encroachment. Borough of Sellersville, 140 East Church Street, Sellersville, PA 18960. To reissue and amend expired permit E09-180 to extend and maintain an existing 10-foot by 9-foot arch bridge with a 12-foot by 11-foot reinforced concrete box culvert, 77 feet long, in an unnamed tributary to the east branch Perkiomen Creek, and to place and maintain fill within the floodway of the east branch Perkiomen Creek starting at the downstream end of the existing culvert which occurs beneath Main Street (S. R. 4013) and extend downstream to the terminus of the proposed culvert extension. This stream enclosure and associated fill will enhance streambank stability on the property of the existing Sellersville Firehouse. This permit E09-695 replaces permit E09-180. This project is located (Telford, PA Quadrangle N: 19.5 inches; W: 8.1 inches) in the Borough of Sellersville, **Bucks County**.

E51-143. Encroachment. Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To construct and maintain two highway bridges over the Frankford Creek (WWF) which will carry proposed interchange ramps that connect Interstate Route I-95 with Aramingo Avenue (S. R. 2029). The proposed northbound exit ramp bridge is a two-span prestressed-concrete box beam structure with a 148.5-foot wide waterway opening, with approximately 17.5-foot underclearance, and will be located approximately 15 feet downstream from the existing abandoned Thompson Street bridge. A 35-foot long by 4-foot wide concrete pier is to be placed in the streambed to provide support at the midpoint of the bridge. The southbound entry ramp to Route I-95 consists of an 11-span composite multisteel girder ramp/bridge structure. Two spans of this structure, having a 145-foot and 185-foot length, will carry the roadway deck over Frankford Creek, and will be supported by 8-foot diameter circular concrete piers. The bridge structure has an underclearance of over 60 feet. This project will require the construction and maintenance of a temporary causeway at each bridge to access the proposed pier locations and will include the installation of culvert piping with clean backfill material. Also included is the placement of scour protection rock lining at each pier and abutment within the streambed. This site is situated near Route I-95/Betsy Ross Bridge Interchange (Camden, NJ-PA Quadrangle N: 22 inches; W: 11.5 inches) in the City of Philadelphia, **Philadelphia County**.

E23-330. Encroachment. Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove an existing two span steel I-beam bridge, carrying S. R. 3021 (Bortondale Road) over Ridley Creek (TSF) and to construct and maintain a single span steel

beam bridge, having a clear span of 68.25 feet on a 32.22 degree skew and an underclearance of 9 feet-9 inches at the same location. The scope of this work also includes widening the bridge and improving the roadway approaches 100 feet south and 150 feet north of the bridge, to provide transitions to the new bridge. This site is located approximately 2,000 feet northwest from the intersection of Fox and Knowlton Roads (Media, PA Quadrangle N: 5.5 inches; W: 3.0 inches) in Upper Providence and Middletown Township, **Delaware County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E35-262. Encroachment. **Department of Transportation, District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a single span prestressed adjacent box beam bridge, having a span of 60 feet with an underclearance of 7.0 feet across the Lackawanna River. The project is located at the intersection of Eighth Avenue (S. R. 1033, Section 270) and the Lackawanna River (Carbondale, PA Quadrangle N: 12.6 inches; W: 0.6 inch) in the City of Carbondale, **Lackawanna County**.

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

E14-278. Water obstruction and encroachment. **Paul Benzie**, 948 Roopsburg Road, Bellefonte, PA 16820. To construct and maintain (1) a residential structure and a private driveway within the floodway of Spring Creek; (2) riprap protection along Spring Creek. The proposed work shall consist of constructing a single family residence which requires 460.0 cubic feet of structure and a driveway which requires 225.0 cubic feet of fill to be placed in the floodway while 630.0 linear feet of riprap is to be placed along the northern streambank. The project is located along the southern right-of-way of T-375 approximately 3,168.0 feet east of the intersection of SR 0550 and T-375 (Bellefonte, PA Quadrangle N: 5.65 inches; W: 5.95 inches) in Spring Township, **Centre County**.

E18-207. Water obstruction and encroachment. **Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. Remove an existing structure and to construct and maintain a precast box culvert to carry SR 1014, Seg. 90 across an unnamed tributary to the east branch of Hyner Run. The proposed structure shall be constructed with a span of 15.0 feet, an underclearance of 6.5 feet and a skew of 70 degrees that is located approximately 2.7 miles west of the intersection of SR 0044 and SR 1014 (Glen Union, PA Quadrangle N: 20.4 inches; W: 12.3 inches) in Grugan Township, **Clinton County**.

E41-334. Water obstruction and encroachment. **Carl and Joy Miller**, R. R. 5, Box 146, Williamsport, PA 17701. To construct and maintain a public golfing facility in the floodway of Pine Run requiring the placement of 769.4 cubic yards of fill and the excavation of 814.0 cubic yards of fill. The project is located along the northern right-of-way of T-354 approximately 1,000 feet west of the intersection of SR 3007 and T-354 (Linden, PA Quadrangle N: 15.5 inches; W: 7.8 inches) in Woodward Township, **Lycoming County**.

E41-353. Water obstruction and encroachment. **Harry J. Miller**, R. R. 3, Box 172X, Jersey Shore, PA 17740. To

construct and maintain an 8.0 foot diameter culvert 32 feet in length with upstream wingwalls in Quenshukeny Run or the purpose of a private road crossing approximately 4 miles north of SR 220 (Salladasburg, PA Quadrangle N: 6.60 inches; W: 3.50 inches) in Anthony Township, **Lycoming County**.

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

Northwest Regional Office: Regional Water Management Program Manager, Water Supply and Community Health, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

Permits Issued

Permit No. WA 24-758B. Water allocation. **Jay Township Water Authority**, P. O. Box 69, Byrnedale, PA 15827. The right to withdraw a maximum of 395,000 gpd, when available, from the Byrnes Run Infiltration Gallery or the Kersey Run Infiltration Gallery, and a maximum total of 395,000 gpd, when available, from all sources which are located in Jay Township, **Elk County**.

Type of Facility: Water Allocation/Water Authority.

Consulting Engineer: William R. Glasser, P.E., Gibson-Thomas Engineering Company, Inc., 1004 Ligonier Street, P. O. Box 853, Latrobe, PA 15650.

Permit Issued: March 22, 1996.

Permit No. WA 25-803A. Water allocation. **Summit Township Water Authority**, 8920 Old French Road, Erie, PA 16509. The right to purchase an average of 600,000 gpd based on a 30 day average with a maximum of 18,000,000 gallons per 30 day period through the Peach Street and Kuntz Road (Route 19) interconnection from the Erie City Water Authority. Summit Township Water Authority services customers located in Summit Township, **Erie County**.

Type of Facility: Water Allocation/Water Authority.

Consulting Engineer: August E. Maas, P.E., Hill Engineering, Inc., 8 Gibson Street, North East, PA 16428.

Permit Issued: March 22, 1996.

SPECIAL NOTICES

Land Exchange

The Department of Conservation and Natural Resources' Bureau of State Parks proposes to exchange approximately 6.6 acres of Ohiopyle State Park (previously a section of the abandoned Western Maryland Railroad) for 6.8 acres of adjacent land owned by the Turkeyfoot Fish and Game Association. Both properties are located in Henry Clay Township, Fayette County, across the Youghiogheny River from the borough of Confluence, Somerset County.

This exchange would consolidate property owned by the Association, and provide Ohiopyle State Park with a riverfront corridor that would enable the completion of approximately 1 mile of the Yough River Trail between Confluence and the park. This exchange also signifies completion of a missing link in this 28-mile trail between the city of Connellsville and Confluence.

A public meeting will be held on April 17, 1996, from 3 p.m. to 7 p.m. in the Confluence Community Center meeting room. Representatives of the Bureau of State

Parks will be available to explain details of the land exchange and to receive public comment.

To comply with Department of Conservation and Natural Resources policy on land exchange, public notice in the *Pennsylvania Bulletin*, a public meeting and a 30-day comment period is required. Written comments will be received for 30 days from the date of the public meeting.

Persons requesting additional details of the land exchange or who are offering comments may do so by writing to Roger Fickes, Director, PA Bureau of State Parks, Department of Conservation and Natural Resources, P. O. Box 8551, Harrisburg, PA 17105-8551.

Persons with a disability who wish to participate in the public comment process and require an auxiliary aid, service, or other accommodation should contact Edwin Deaton at (717) 787-6674 or the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 96-541. Filed for public inspection April 5, 1996, 9:00 a.m.]

Pennsylvania Bituminous Mine Safety Advisory Committee; Cancellation of Meeting

The April 10, 1996, Pennsylvania Bituminous Mine Safety Advisory Committee meeting has been cancelled. The next meeting is scheduled for June 12 in the Fayette County Health Center in Uniontown.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-542. Filed for public inspection April 5, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Request for Bids

The Department of General Services State Surplus Property Division is seeking contractors to remove mixed scrap metals from various agencies of the Commonwealth. District contracts can be subdivided and bid in part. The following counties will be involved in these contracts:

Mixed Scrap Metals

Scrap metal contracts will begin on July 1, 1996. *District 1:* Crawford, Erie, Forest, Mercer, Venango and Warren counties; *District 2:* Clearfield County; *District 4:* Lackawanna; *District 9:* Cambria and Fulton counties; *District 10:* Clarion County.

The above contracts will be for 1 year with an optional extension for a 2nd, 3rd and 4th year. For more information or to obtain a bid proposal for any of these contracts, write to the Department of General Services, State Surplus Property Division, 2221 Forster Street, P. O. Box

1365, Harrisburg, PA 17105, or call (717) 787-4085 prior to the bid opening on May 3, 1996.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-543. Filed for public inspection April 5, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Advantage Health Corporation and Tri-Associates; Public Meetings Rescheduled

CON-95-F-2364-B: The Department of Health has rescheduled the public meeting on the proposal by Advantage Health Corporation, 304 Cambridge Road, Woburn, MA 01801. The applicant proposes to develop a 40-bed free-standing rehabilitation hospital on the campus of Geisinger Medical Center (GMC) in Danville, Montour County.

CON-93-A-1845-B: The Department of Health has rescheduled the public meeting on the proposal by Tri-Associates, c/o SMP Associates, 91 Chestnut Road, Paoli, PA 19301. The applicant proposes to establish an ambulatory surgical facility in Norristown in a joint venture with Montgomery Hospital and Suburban General Hospital.

The Advantage Health Corporation public meeting will begin at 9:30 a.m., and the Tri-Associates public meeting will be held at 12:30 p.m. Friday, April 26, 1996, in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. The meetings are subject to cancellation without further notice.

Notice is published in accordance with section 704(b) of the Health Care Facilities Act (35 P. S. § 448.704(b)).

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMAN,
Acting Secretary

[Pa.B. Doc. No. 96-544. Filed for public inspection April 5, 1996, 9:00 a.m.]

Designation and Address of Health Policy Board to Adjudicate Certificate of Need and Licensure Decisions of the Department of Health

Under H. B. 272, Act 10 of 1996, enacted February 23, 1996, the Health Policy Board is now designated to adjudicate appeals of decisions of the Department of Health made under Chapters 7 and 8 of the Health Care Facilities Act (35 P. S. § 448.101 et seq.).

Accordingly, all pleadings and other correspondence relating to appeals from the Department's decisions regarding the Certificate of Need or Licensure program should be filed at the following address: Health Policy Board, P. O. Box 90, Harrisburg, PA 17108.

DANIEL F. HOFFMAN,
Acting Secretary

[Pa.B. Doc. No. 96-545. Filed for public inspection April 5, 1996, 9:00 a.m.]

Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

CON-95-B-2526-B: Good Shepherd Rehabilitation Hospital, 501 St. John Street, Allentown, PA 18103. The project involves adding 21 comprehensive rehabilitation beds, and adding an elevator, at an estimated cost of \$3,300,000.

CON-95-H-2585-B: Sewickley Valley Hospital, 720 Blackburn Road, Pittsburgh, PA. The project involves establishing an 18 bed hospital based skilled nursing unit through the conversion of 30 acute beds, at an estimated cost of \$1,279,325.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning April 6, 1996. Interested persons, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Good Shepherd public meeting will begin at 11 a.m., and Sewickley Valley public meeting will begin 1 p.m., Wednesday, May 22, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMAN,
Acting Secretary

[Pa.B. Doc. No. 96-546. Filed for public inspection April 5, 1996, 9:00 a.m.]

State Plan of Program Operations and Administration for Special Supplemental Food Program for Women, Infants and Children; Public Meetings

In accordance with 7 CFR 246.4(b) (as amended, 50 FR 6108 et seq., February 13, 1985) the Department of Health has scheduled two public meetings for the purpose of obtaining comments and recommendations for the development of the 1997 State Plan of Program Operations and Administration for the Special Supplemental Food Program for Women, Infants and Children (WIC) in Pennsylvania.

The Department invites comments on all aspects of the Program's operations. General comments on other issues pertinent to the Program are also requested.

Persons wishing to give testimony at the public meetings are requested to preregister with the State WIC Program Office by calling (717) 783-1289. Anyone unable to attend the meetings, but wishing to express their views, may submit written comments by May 31 to the Department. Direct written comments to Department of Health, Division of Special Food Programs (WIC), Attention: Program Operations and Evaluation Section, P. O. Box 90, Harrisburg, PA 17108.

Persons who require reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) of 1990 should contact Jeanette Fossi at (717) 783-1289 for assistance.

Meeting dates and locations are as follows:

Thursday, April 25, 1996
10 a.m.—3 p.m.
Allegheny County Health Department
WIC Program
Investment Building
239 Fourth Avenue
Pittsburgh, PA 15222

Thursday, April 4, 1996
10 a.m.—3 p.m.
North Central Organized Regionally for Total Health
642 North Broad Street
Philadelphia, PA 19130

DANIEL F. HOFFMAN,
Acting Secretary

[Pa.B. Doc. No. 96-547. Filed for public inspection April 5, 1996, 9:00 a.m.]

University of Pittsburgh Medical Center; Certificate of Authority

On February 28, 1996, University of Pittsburgh Medical Center filed with the Departments of Health and Insurance, an application for a Certificate of Authority to establish, operate and maintain a health maintenance organization in accordance with the provisions of the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), Department of Health HMO Regulations (28 Pa. Code §§ 9.1—9.97) and the Department of Insurance HMO Regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service area of the applicant is Allegheny, Armstrong, Beaver, Butler, Greene, Washington and Westmoreland counties.

A copy of the application is available for public inspection by appointment only at the following locations: Department of Health, Bureau of Health Care Financing, Room 1030 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-5193; or Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

Interested parties are invited to submit written comments, suggestions or objections within 30 days of the publication of this notice, to Lori Eshenour, Department of Health or Carolyn Smith, Insurance Department at the above listed addresses. Persons with a disability may submit comments, suggestions and objections in alternative formats, such as by audio tape, braille or using the

Department of Health's TDD; (717) 783-6514. Persons with a disability who require alternative arrangements to inspect the application should contact either Lori Eshenour or Carolyn Smith.

DANIEL F. HOFFMAN,
Acting Secretary

[Pa.B. Doc. No. 96-548. Filed for public inspection April 5, 1996, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Office of Vocational Rehabilitation; Establishment, Expansion or Improvement of Community Rehabilitation Programs

The Department of Labor and Industry, Office of Vocational Rehabilitation, under the Rehabilitation Act of 1973, as amended in 1992, announces that competing applications to establish, expand or improve community rehabilitation programs serving persons with the most severe disabilities will be accepted. This competition is authorized under section 103 of the Rehabilitation Act of 1973, as amended.

Funding for this competition is under the auspice of the Pennsylvania State Board of Vocational Rehabilitation and the Office of Vocational Rehabilitation (OVR), which will serve as administrator and fiscal agent for the grant awarded under this competition. Applications will be written to accomplish the following area of emphasis: Establishment, expansion or improvement of community rehabilitation programs which promise to contribute substantially to the rehabilitation of persons with the most severe disabilities. Such programs shall be used to provide services, quickly and effectively, that promote competitive employment in integration of persons with the most severe disabilities into the general workforce.

Service Information

The goal of this competition is to establish, expand or improve community-based vocational rehabilitation programs for persons sponsored by OVR, enabling them to maximize their competitive employment potential. Community rehabilitation programs include the range of vocational, psychosocial, medical, educational and economic/employment development programs through which persons sponsored by OVR may receive services. For purposes of this competition, community rehabilitation programs do not include sheltered employment, adult day care, work activity or other segregated facility-based training programs.

In order to accomplish this, OVR will reinforce the array of community rehabilitation programs available to persons with the most severe disabilities through provision of equipment, minor alterations to existing buildings for purposes of accessibility accommodation, and initial or additional staffing. Funds will be awarded for such purposes based upon OVR's acceptance of 1) the applicant's identified need, 2) the applicant's plan for addressing the need, and, 3) the applicant's projection of expected service outcome for persons with the most severe disabilities.

Needs identified by the applicant should be consistent with the vocational rehabilitation service needs of persons

with the most severe disabilities and those of the OVR District Office in which it operates. Applicant should explore such needs with the appropriate OVR District Office for which the subject service is proposed.

Application Information

Applications received by close of business 5 p.m., Wednesday, May 22, 1996, which are complete and conform to established specifications will be accepted for review. Applications submitted after this date and time will be ineligible for consideration.

Applications will be evaluated by a panel of reviewers convened for that purpose. Applications submitted from within a given OVR District area will compete only against other applications received by that District Office. Awards will be made by OVR through its District Offices which elect to participate in this RFP, using funds apportioned to each Office for such purposes.

The effective dates for the contract will be September 30, 1996—September 29, 1997. Final awards made through this competition are subject to the approval of the Executive Director, Pennsylvania Office of Vocational Rehabilitation.

Eligible applicants include private not-for-profit and public organizations/institutions. For-profit organizations are not eligible to apply under this RFP. Organizations or individuals demonstrating compliance with the terms of this announcement may apply to participate in this competition.

A complete application package which includes more detailed information is available by calling Raymond L. Walker at (717) 787-5735 (TDD: 783-8917) or writing to Office of Vocational Rehabilitation, Facilities and Grants Management Section, 1320 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, FAX: (717) 783-5221, Attention: Raymond L. Walker.

Preproposal Conference

A preproposal conference to deal specifically with technical questions regarding applications will be held for applicants on Thursday, April 18, 1996, starting at 1 p.m. in Room 1404 Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120.

Copies of the application package will also be available at this conference. Persons expecting to attend should advise Raymond L. Walker, no later than 1 week prior to the conference, of any special accommodations that may be required in order for them to fully participate in the preproposal conference.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 96-549. Filed for public inspection April 5, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Office of Medical Assistance Programs; Payment for Hearing Aid Batteries

The Department of Public Welfare announces effective November 1, 1995, that it will begin to provide payment for purchase of hearing aid batteries on the Medical

Assistance Program Fee Schedule for Medical Assistance eligible individuals under 21 years of age.

The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

The Department's estimates of the cost for the addition of the hearing aid batteries are based upon data in the Medical Assistance Management Information System. Based on the cost information received the Department estimates the 6 month cost of the hearing aid batteries to be \$2,880 for Fiscal Year 1995-1996 (\$1,356 in State funds; \$1,524 in federal funds).

A copy of this notice is available for review at local county assistance offices throughout the Commonwealth.

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (Voice users), or may use the Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative format should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-111. (1) General Fund; (2) Implementing year 1995-96 is \$1,000; (3) 1st succeeding year 1996-97 is \$3,000; 2nd succeeding year 1997-98 is \$3,000; 3rd succeeding year 1998-99 is \$3,000; 4th succeeding year 1999-00 is \$3,000; 5th succeeding year 2000-01 is \$4,000; (4) FY 1994-95 is \$722,422,000; FY 1993-94 is \$623,050,000; FY 1992-93 is \$594,642,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. The increased costs will be absorbed within the Medical Assistance—Outpatient appropriation.

[Pa.B. Doc. No. 96-550. Filed for public inspection April 5, 1996, 9:00 a.m.]

Office of Medical Assistance Programs; Prior Authorization of Anti-Ulcer Drugs

The Department of Public Welfare announces that certain anti-ulcer drugs are now subject to prior authorization under the following circumstances:

1. When prescribed or dispensed in quantities that exceed the maintenance dosage levels customarily recommended for the treatment of gastric or peptic ulcers after the initial 90 days of acute treatment has passed.

2. When duplicate or concurrent treatment is prescribed with more than one anti-ulcer drug at any point in time.

3. When a change is prescribed from one ulcer medication to another during the initial 90 day acute stage.

The affected anti-ulcer drugs, listed by brand name with their generic name in parentheses, are: AXID (nizatidine), CARAFATE (sulcralfate), CYTOTEC (misoprostol), PEPCID (famotidine), PREVACID (lansoprazole), PRILOSEC (omeprazole), TAGAMET (cimetidine), ZANTAC (ranitidine).

The Department adopts this requirement under section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)). The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

The Department estimates the savings of this prior authorization requirement to be approximately \$5.163 million per year in total funds.

Contact Person:

A copy of this notice is available for review at local county assistance offices throughout the Commonwealth.

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (Voice users), or may use the Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative format should contact India Wood at (717) 783-2212.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-113. No fiscal impact; (8) recommends adoption. Prior authorization of ulcer drugs is anticipated to save \$1,013,000 for fiscal year 1995-96 and \$2,431,000 for fiscal year 1996-97 in the Medical Assistance-Outpatient appropriation.

[Pa.B. Doc. No. 96-551. Filed for public inspection April 5, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

Commissioners Present: Robert J. Harbison, III, Vice-Chairperson; Arthur Coccodrilli; Irvin G. Zimmerman

Public meeting held
March 21, 1996

Department of Agriculture—Pseudorabies Disease; Doc. No. 2-91

Order

On September 12, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). It would amend Chapter 10 in 7 Pa. Code, relating to the control of pseudorabies disease, under the authority of section 1702 of The Administrative Code of 1929 (P. L. 177, No. 175) (71 P. S. § 442), section 3 of the act of April 17, 1929 (P. L. 533, No. 236) (3 P. S. § 343), and section 4 of the act of March 28, 1929 (P. L. 110) (3 P. S. § 374). The proposed regulation was published in the *Pennsylvania Bulletin* on September 23, 1995, with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 23, 1996.

The foregoing statutes authorize the Department to undertake measures to detect, prevent, contain and eradicate dangerous transmissible diseases among animals within Pennsylvania and to establish quarantines to help achieve these objectives. Pseudorabies is a contagious, infectious viral disease which affects animals but not humans. It poses a threat to the health of swine and the economic well being of the swine industry by reducing swine production profit as a result of reproductive failures, diminishing feed conversion efficiency and results in restrictions on the interstate movement of infected or exposed swine.

This rulemaking is part of an industry-driven National effort already underway to eradicate pseudorabies in the United States by the year 2000. It is reflected in the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) publication 91-55-018, *State-Federal-Industry Program Standards for Pseudorabies Eradication* (Federal Eradication Program).

These rulemaking changes will also enable the Commonwealth to remain in compliance with the Federal Eradication Program, which has five stages or steps. Each affected state or region of the state is to: (1) establish the procedural groundwork to eradicate pseudorabies disease; (2) identify and quarantine affected herds; (3) develop and implement herd clean up programs; (4) monitor the efficacy of herd clean up programs; and (5) monitor and maintain pseudorabies-free status, once attained.

The Commonwealth is in Stage II (the control stage) and, to remain there, it must put in place the proposed regulatory authority to require herd clean up plans. To advance to Stage III of the program (the mandatory herd clean up phase), Pennsylvania must have authority to deal with a herd which does not clean up within a reasonable time.

This rulemaking will provide a series of options to herd owners as part of eradicating pseudorabies disease including strict quarantine and, ultimately, mandatory herd depopulation. In making the decisions for each case, the Department endeavors to work cooperatively with the State Pseudorabies Advisory Committee (Advisory Committee), whose role is clarified under this rulemaking with regard to the Advisory Committee's functions, appointment and membership. The Department states that without these rulemaking changes, the Commonwealth will be powerless to effectively clean up pseudorabies disease-infected herds so that swine herds can be moved freely in interstate commerce. There are approximately 50 pseudorabies-exposed swine herds in the Commonwealth which have been quarantined.

This rulemaking will affect owners, transporters, purchasers, dealers and livestock market personnel. The Department notes that swine illness and mortality from pseudorabies currently cost swine producers approximately \$200,000 per year. Testing and vaccination costs run approximately \$600,000 annually. These costs will largely be avoided, especially after the next 3 to 4 years, if mandatory provisions are put in place now to eradicate pseudorabies disease.

The proposed amendments will cost the Department about \$15,000 in Fiscal Year (FY) 1996, progressively decreasing to less than \$4,000 in FY 1999. These costs will be for testing swine for pseudorabies and the possible incurrence of expenses relating to herd clean up costs.

Even though this rulemaking has broad support in the swine producing industry, a number of commentators raised some concerns or suggested further changes to the version published for comment. Comments were submitted by the House Agriculture and Rural Affairs Committee, the Commission, and the following public commentators: Federated Humane Societies of Pennsylvania; Hess Mills, Hog Department; Pennfield Corporation; Schick Farms; The Pennsylvania State University, Department of Dairy and Animal Science, College of Agricultural Sciences; The Pennsylvania State University, Department of Veterinary Science, College of Agricultural Sciences; and the Clark Stauffer Farm.

In response to commentators' suggestions, the Department made a number of changes to improve the clarity of the final-form regulation. It amended section 10.21 (relating to eradication program requirements) by clarifying the procedural steps to be followed. It also amended, for improved clarity, section 10.26 (relating to Indemnity) and section 10.27 (relating to Advisory Committee). In the latter section, the Department added a new subsection relating to the Secretary of Agriculture's consultation with the Advisory Committee.

The Department explained in its Comment and Response Document why it adopted or did not adopt the various changes proposed by commentators. The Department also clarified somewhat the cost impacts of the regulation on private sector owners of pseudorabies-infected swine herds. Under the available options, most herd owners will be able to test, depopulate and vaccinate their swine so as to complete herd clean up within the 3-year period provided under the Stage III plan. Doing so should keep costs from exceeding levels under the current regulation. The Department has acknowledged that herd owners may incur additional costs if, as the result of a herd clean up plan, the owner must completely depopulate the herd, disinfect the premises and leave the premises vacant for at least 30 days before repopulating it with a new herd.

We have reviewed this regulation and find it to be in the public interest. The regulation will assist the Department in eradicating pseudorabies disease in its swine population and enable Pennsylvania to remain in compliance with the five-stage Federal Eradication Program. Herd owners will be afforded the opportunity to select the methodology and the time (up to 3 years from the approval of the clean up plan) for herd clean up. Although these regulatory amendments will result in additional costs for herd owners where pseudorabies-infected swine must be destroyed (in noncondemnation situations), the costs should be incurred only once. The number of pseudorabies-infected swine herds continues to decline dramatically and, with these regulatory changes in place, should be eliminated entirely by the year 2000.

Therefore, It Is Ordered That:

1. Regulation No. 2-91 from the Department of Agriculture, as submitted to the Commission on February 23, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; Irvin G. Zimmerman

Public meeting held
March 21, 1996

Department of Public Welfare—Income; Doc. No. 14-427

Order

On February 21, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (DPW). This rulemaking would amend 55 Pa. Code Chapter 183 by changing the work/personal expense deductions for Aid to Families with Dependent Children (AFDC) and General Assistance (GA) recipients. The authority for this regulation is contained in section 201 of the Public Welfare Code (62 P. S. § 201). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

In October 1993 the Federal government changed the amount that could be deducted from earned income to determine eligibility and assistance amounts for the AFDC program. The Federal government increased the standard work/personal expense deduction for legal responsible relatives, parents of AFDC minor parents and step-parents from \$75 a month to \$90 a month.

As a result of the Federal change, the DPW published a notice of rule change in the *Pennsylvania Bulletin* on March 5, 1994, that increased the income deduction from \$75 to \$90 for AFDC and GA recipients. The purpose of the notice of rule change was to ensure that the DPW provisions were consistent with those of the Federal government. Failure to make this revision could result in Federal sanctions.

This rulemaking simply codifies the DPW's notice of rule change published March 5, 1994. The DPW has been using the new income deduction since 1993 and with this change is only making its regulations consistent with its procedures.

An increase in the income deduction potentially allows more people to meet the income eligibility requirements and may increase the amount of assistance. The DPW states that the change resulted in a State fund cost of \$22,000 in cash grants and \$9,000 in Medical Assistance for fiscal year 1993-94. The DPW anticipates that in subsequent years the cost related to cash grants would increase to \$30,000 and Medical Assistance costs would increase to \$17,000 in fiscal year 1994-95 and by \$2,000 increments every year thereafter.

We have reviewed this regulation and find it to be in the public interest. The regulation is necessary for DPW's regulations to reflect its current procedures for determining income eligibility for the AFDC program and the GA program. However, we note the DPW took over 2 years to submit the regulation to make this simple codification. We believe the DPW needs to be more timely in updating its regulations so they are consistent with actual DPW procedures.

Therefore, It Is Ordered That:

1. Regulation No. 14-427 from the Department of Public Welfare, as submitted to the Commission on February 21, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Robert J. Harbison, III, Vice-Chairperson; Irvin G. Zimmerman; Arthur Coccodrilli

Public meeting held
March 21, 1996

Department of Public Welfare—Eligibility Provisions for the Healthy Horizons Program for the Elderly/Disabled; Doc. No. 14-433

Order

On February 21, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (DPW). This rulemaking would amend 55 Pa. Code Chapter 140, Subchapter B. The authority for this regulation is found in sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)), and in the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), section 4501. Notice of proposed rulemaking was omitted for this regulation in accordance with sections 204(1) and 204(3) of the Commonwealth Documents Law (45 P. S. §§ 1204(1) and 1204(3)). The regulation will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking amends the Medical Assistance Healthy Horizons Medicare Cost-Sharing Program to conform to the mandates found in OBRA '90. Specifically, OBRA '90 mandated that effective January 1, 1993, states must pay Medicare Part B premiums for Specified Low-Income Medicare Beneficiaries (SLMBs) with incomes in excess of 100% but not more than 110%, of the Federal poverty income guidelines. In addition, the individual's financial resources, such as bank accounts, stocks or bonds, must not exceed twice the Supplemental Security Income resource standard. OBRA '90 further mandated that states must increase the income eligibility limit for SLMB benefits to 120% of the Federal poverty income guidelines effective January 1, 1995.

DPW implemented the OBRA '90 mandates through two Notices of Rule Change (NORCs) published in the *Pennsylvania Bulletin* on January 23, 1993, and May 13, 1995. Therefore, the Healthy Horizons program has provided the SLMB benefit since 1993. The proposed regulation is intended to update DPW's regulations to reflect the income eligibility changes implemented through the 1993 and 1995 NORCs. According to DPW, failure to amend the existing regulations will jeopardize Federal funding.

We have reviewed this regulation and find it to be in the public interest. The proposed regulation is a direct result of the Federal mandates found in OBRA '90. If the existing regulations are not revised to reflect the SLMB benefit, Pennsylvania may lose Federal funding. We note, however, that substantial time has passed since DPW published the two NORCs which implemented the OBRA '90 mandates. In the future, we encourage DPW to act more expeditiously in making revisions to regulations when required by changes in Federal law.

Therefore, It Is Ordered That:

1. Regulation No. 14-433 from the Department of Public Welfare, as submitted to the Commission on February 21, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: Robert J. Harbison, III, Vice-Chairperson; Arthur Coccodrilli; Irvin G. Zimmerman

Public meeting held
March 21, 1996

Insurance Department—Automatic Subscriptions to the Pennsylvania Code and Pennsylvania Bulletin; Doc. No. 11-127

Order

On February 27, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department (Insurance). This rulemaking will amend 31 Pa. Code §§ 149.1—149.4 and 151.14(e). The authority for this regulation is found in 45 Pa.C.S. §§ 502, 503, 729, 730 and 731, and sections of 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 411 and 412). Notice of proposed rulemaking was omitted for this regulation. It will become effective upon publication in the *Pennsylvania Bulletin*.

This final regulation is a simple, straight-forward, housekeeping measure. It deletes existing provisions which were rendered obsolete by Regulation No. 53-8 from the Joint Committee on Documents (JCD). The Commission approved the JCD's regulation on July 6, 1995. The JCD rule terminated the automatic subscription provisions relating to Insurance. Before this termination, entities licensed by Insurance received automatic subscriptions to the *Pennsylvania Code* and *Pennsylvania Bulletin*. The termination of the JCD's provisions was effective retroactively to July 1, 1995.

Insurance states that there is no fiscal impact from the repeal of the sections related to the automatic subscriptions. The automatic subscriptions were not free; Insurance billed subscribers for the costs. Insurance companies and other entities regulated by Insurance are now able to continue subscriptions on a voluntary basis by dealing directly with the publisher of the *Pennsylvania Code* and *Pennsylvania Bulletin*.

We have reviewed this regulation and find it to be in the public interest. This regulation deletes existing sections relating to the procedures for applying for exceptions to automatic subscriptions and assessing the entities for the costs of the subscriptions. Given the JCD's action, the existing sections are no longer necessary.

Therefore, It Is Ordered That:

1. Regulation No. 11-127 from the Insurance Department, as submitted to the Commission on February 27, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-552. Filed for public inspection April 5, 1996, 9:00 a.m.]

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>
	Pennsylvania Public Utility Commission	3/21/96
57-152	Line Extensions	

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-553. Filed for public inspection April 5, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of a Plan Filed by Medical Service Association of Pennsylvania, d/b/a Pennsylvania Blue Shield and Veritus, Inc., d/b/a Blue Cross of Western Pennsylvania for a Change of Control of the Insurance Corporation and Health Maintenance Organization Subsidiaries

The Insurance Department will hold a public informational hearing on Friday, April 26, 1996, regarding the plan filed by Medical Service Association of Pennsylvania and Veritus, Inc. (Applicant Companies) proposing a change of control of their insurance corporation subsidiaries and health maintenance organization subsidiaries resulting from the consolidation of the Applicant Companies. The consolidation will result in a change of control of Trans-General Casualty Insurance Company, Inc., United Concordia Insurance Company, Keystone Health Plan West, Keystone Health Plan Central, Keystone Health Plan East and HealthGuard of Lancaster, Inc. The change in control application was filed under the requirements set forth under The Insurance Company Law of 1921 (40 P.S. § 991.1401 *et seq.*).

At the hearing, the Applicant Companies will present the features of their plan for the change of control of their subsidiaries. Interested persons are invited to attend the hearing.

The Department will accept written comments from interested persons regarding the plan for 30 days following the conclusion of the hearing.

All questions and comments should be directed to Carolyn Smith, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735 or FAX (717) 787-8557.

The hearings will be held as follows:

Date: April 26, 1996.
Time: 9 a.m.
Location: Administrative Hearing Room, Capital Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-554. Filed for public inspection April 5, 1996, 9:00 a.m.]

Capital Blue Cross; Lehigh Valley Hospital; Member Hospital Prospective Payment Agreement; Filing No. 96-I

By filing no. 96-I, Capital Blue Cross submits for the Department's review and approval a Member Hospital Prospective Payment Provider Agreement Form # F-1673 with Lehigh Valley Hospital.

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. The filing consists of 47 pages.

Interested parties are invited to submit written comments, suggestions or objections to Richard 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. 96-555. Filed for public inspection April 5, 1996, 9:00 a.m.]

Capital Blue Cross; Saint Joseph Hospital, Reading; Member Hospital Prospective Payment Agreement; Filing No. 96-J

By filing no. 96-J, Capital Blue Cross submits for the Department's review and approval a Member Hospital Prospective Payment Provider Agreement Form # F-1674 with Saint Joseph Hospital, Reading.

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. The filing consists of 33 pages.

Interested parties are invited to submit written comments, suggestions or objections to Richard 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. 96-556. Filed for public inspection April 5, 1996, 9:00 a.m.]

Lloyd's of London; Notice No. 1996-02

On March 12, 1996, the Pennsylvania Securities Commission issued a Summary Order (Order) to Cease and Desist, naming Lloyd's of London (Lloyd's) as Respondent.

The Order requires that Lloyd's immediately cease and desist from offering and selling the Lloyd's Interests in the Commonwealth of Pennsylvania.

In addition, the Order requires that Lloyd's immediately cease and desist from other activities including, but not limited to, the following:

1. Drawing down, or attempting to draw down, Letters of Credit established by a Pennsylvania Lloyd's Member payable to, or on behalf of, Lloyd's;
2. Drawing down or seizing assets of funds held in reserve for, or on behalf of, a Pennsylvania Lloyd's Member;
3. Instituting, or attempting to institute, any proceeding in the United States or Commonwealth of Pennsylvania to reduce to a judgment any debt against a Pennsylvania Lloyd's Member; and
4. Collecting, or attempting to collect, any debt, judgment or cash call demand or making any cash call demand against a Pennsylvania Lloyd's Member.

Unlike legal actions instituted against Lloyd's by other states, the Pennsylvania Order does not attempt to freeze the assets in the Lloyd's Trust Fund. Such Trust Fund remains available to pay claims at this time.

Persons who have any questions concerning this notice should contact Steve Johnson, Director of the Bureau of Examinations, Insurance Department, at (717) 783-4312, or Scott Lane, Assistant Director, Division of Enforcement & Litigation, Pennsylvania Securities Commission, at (412) 565-5083.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-557. Filed for public inspection April 5, 1996, 9:00 a.m.]

Postponement of Public Hearing

The public hearing originally scheduled for Wednesday, April 10, 1996, regarding the termination of managed care agreements with St. Joseph Medical Center and Community General Hospital by Capital Blue Cross, has been postponed. A new date for the public hearing has not yet been established.

Any further questions should be directed to Gregory S. Martino, Insurance Department at (717) 783-5079.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-558. Filed for public inspection April 5, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured 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 company's 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.

Hami A. Fidler; file no. 95-183-01168; State Farm Insurance Company; doc. no. P96-03-032; May 15, 1996, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings,

witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements 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. 96-559. Filed for public inspection April 5, 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 State Farm Mutual Auto Insurance Company; file no. 95-121-00748; Charlotte Rudnick; doc. no. P96-03-031; May 15, 1996, at 11 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, 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. 96-560. Filed for public inspection April 5, 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 her company's termination of the insured's policy.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Anne Marie Schaffer; file no. 96-183-01225; State Farm Insurance Company; doc. no. P96-03-030; May 15, 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 at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-561. Filed for public inspection April 5, 1996, 9:00 a.m.]

Pasquale Rocca; Hearing

Pasquale Rocca; Pennsylvania Assigned Risk Plan; Doc. No. PH96-03-011

Under the Pennsylvania Assigned Risk Plan, section 19, that was adopted by the Insurance Commissioner under 75 Pa.C.S. § 1741, notice is hereby given that Pasquale Rocca has requested a hearing on the determination by the Pennsylvania Assigned Risk Plan Governing Committee of the termination of the above-captioned automobile insurance policy.

The hearing will be held on Thursday, May 16, 1996, at 9 a.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 the Administrative Agency Law, 2 Pa.C.S. §§ 501—508 and 701—704; 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). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.193, 35.225—35.251, unless specific exemption is given.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-562. Filed for public inspection April 5, 1996, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Bradford County, Wine & Spirits Shoppe # 0802, 17 Pine Street, Towanda, PA 18848-1811.

Lease Expiration: July 31, 1996

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,700 to 3,400 net useable square feet of new or existing retail commercial space within the Borough of Towanda or Wysox Township.

Proposals due: May 2, 1996 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Dauphin County, Wine & Spirits Shoppe # 2216, 3307 Harrisburg East Mall, County Road and Paxton Street, Harrisburg, PA 17111-1205.

Lease Expiration: 90 day status since August 1, 1995

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 along Paxton Street or Eisenhower Boulevard, west of Route 283, Swatara Township.

Proposals due: May 2, 1996 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

The Liquor Control Board seeks the following new site:

Cambria County, Wine & Spirits Shoppe # 1102, Richland Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Penn-

sylvania Liquor Control Board with approximately 2,700 net useable square feet of new or existing retail commercial space within .75 mile of the intersection of S. R. 219 and S. R. 756 in Richland Township. The site must have free off-street parking and good loading facilities.

Proposals due: May 3, 1996 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Tom Deal, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 96-563. Filed for public inspection April 5, 1996, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Application Cut-Off Dates and Regular Meetings for Fiscal Year 1996-97

The Fiscal Year 1996-97 application cut-off dates and regular meetings of the Pennsylvania Infrastructure Investment Authority (PENNVEST) Board of Directors have been scheduled. Funding applications must be received by 5 p.m. on the stated cut-off dates at the PENNVEST office, Keystone Building, 22 South Third Street, Harrisburg, PA 17101. All meetings of the PENNVEST Board of Directors will begin at 10 a.m. on the stated meeting dates at the Governor's Residence, 2035 North Front Street, Harrisburg, PA 17102.

<i>Application Cut-Off Dates</i>	<i>Board Meeting Dates</i>
May 22, 1996	July 17, 1996
September 18, 1996	November 13, 1996
January 29, 1997	March 26, 1997

PAUL K. MARCHETTI,
Executive Director

[Pa.B. Doc. No. 96-564. Filed for public inspection April 5, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Pennsylvania American Water Company for Approval to Implement a Tariff Supplement Establishing a Distribution System Improvement Charge; Doc. No. P-00961031

Pennsylvania American Water Company filed a petition at Docket No. P-00961031, requesting that the Pennsylvania Public Utility Commission (Commission) approve the implementation of a tariff supplement which establishes a Distribution System Improvement Charge (DSIC) to be effective for service rendered on or after July 1, 1996. Establishment of the DSIC, under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments), would

provide for the recovery of the fixed costs (depreciation and pre-tax revenue) of certain nonrevenue producing, nonexpense reducing infrastructure rehabilitation projects completed and placed in service between the Company's base rate cases. The petition states that the DSIC is in the public interest in that it would provide the company, among other things, with the resources needed to accelerate investment in new utility plant to replace aging water distribution infrastructure, thereby facilitating compliance with the evolving regulatory requirements imposed by the Safe Drinking Water Act. In addition, the DSIC will be capped at 5% of the amount billed to customers under otherwise applicable rates and charges.

Persons desiring to file answers to this petition may do so in accordance with 52 Pa. Code § 5.61. All such answers must be filed with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 within 30 days of the date of publication of this notice in the *Pennsylvania Bulletin*. In addition to the requirements of 52 Pa. Code § 1.37, one additional copy of the answers should be filed with the Commission's Law Bureau. Copies of the petitions are on file with the Commission and are available for public inspection. The contact person is Assistant Counsel Susan T. Povilaitis, (717) 787-2871.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-565. Filed for public inspection April 5, 1996, 9:00 a.m.]

Petition of Philadelphia Suburban Water Company for Approval to Implement a Tariff Supplement Establishing a Distribution System Improvement Charge; Doc. No. P-00961036

Philadelphia Suburban Water Company filed a petition on Docket No. P-00961036, requesting that the Pennsylvania Public Utility Commission (Commission) approve the implementation of a tariff supplement which establishes a Distribution System Improvement Charge (DSIC) to be effective for service rendered on or after July 1, 1996. Establishment of the DSIC, under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments), would provide for the recovery of the fixed costs (depreciation and pre-tax revenue) of certain nonrevenue producing, nonexpense reducing infrastructure rehabilitation projects completed and placed in service between the company's base rate cases. The petition states that the DSIC is in the public interest in that it would provide the company, among other things, with the resources needed to accelerate investment in new utility plant to replace aging water distribution infrastructure, thereby facilitating compliance with the evolving regulatory requirements imposed by the Safe Drinking Water Act. In addition, the DSIC will be capped at 5% of the amount billed to customers under otherwise applicable rates and charges.

Persons desiring to file answers to this petition may do so in accordance with 52 Pa. Code § 5.61. All such answers must be filed with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 within 30 days of the date of publication of this notice in the *Pennsylvania Bulletin*. In addition to the requirements of 52 Pa. Code § 1.37, one additional copy of the answers should be filed with the Commission's Law Bureau. Copies of the petitions are on file with the

Commission and are available for public inspection. The contact person is Assistant Counsel Susan T. Povilaitis, (717) 787-2871.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-566. Filed for public inspection April 5, 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 29, 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 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-00112373. (Corrected) 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.

A-00112914. Trudy J. Cline, t/d/b/a Trudy's Taxi (P. O. Box 766, Waynesboro, Franklin County, PA 17268)—persons in call or demand service, in the borough of Waynesboro, and the townships of Quincy and Washington, Franklin County. *Attorney:* Frank Martin, 239A East Main Street, Waynesboro, PA 17268.

A-00112920. Stephen A. Rakoci, Jr. (3245 Morefield Road, Hermitage, Mercer County, PA 16148)—persons in limousine service, between points in the city of Hermitage, Mercer County, and from points in said city, to points within an airline distance of 50 statute miles of the limits of said city and return.

A-00112922. Capital Area Intermediate Unit No. 15 (55 Miller Street, Summerdale, Cumberland County, PA 17093)—persons in paratransit service, between points in Intermediate Unit No. 15, comprising the school districts of Big Spring, Camp Hill, Carlisle Area, Cumberland Valley, East Pennsboro, Mechanicsburg Area, Shippenburg Area, South Middleton, West Shore, Northern York County, Greenwood, Newport, Susquenita, West Perry, Central Dauphin, Derry Township, Halifax Area, Harrisburg, Lower Dauphin, Middletown Area, Millersburg Area, Steelton-Highspire, Susquehanna Township, and Upper Dauphin Area, located in the counties of Cumberland, Dauphin, Perry and York, and from points in said area to points in Pennsylvania and return. *Attorney:* Cleckner & Fearen, 31 North Second Street, Harrisburg, PA 17108-1847.

Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-00106639, Folder 4. Norristown Transportation Co. (41 Burnside Avenue, Norristown, Montgomery County, PA 19403), a corporation of the Commonwealth of Pennsylvania—additional right—persons in paratransit service, between points in Montgomery County.

Applications of the following for approval of the *additional right and privilege of operating motor vehicle as common carriers for transportation of persons by transfer of rights as described under each application.*

A-00102104, F. 3. Super Senior Transport, Inc. (33 Radburn Road, Huntingdon Valley, Montgomery County, PA 19006), a corporation of the Commonwealth of Pennsylvania—additional right—persons in paratransit service, between points in the city and county of Philadelphia; which is to be a transfer of the right issued to Bart Transport, Inc., under the certificate issued at A-00109333, subject to the same limitations and conditions.

Applications of the following for approval of the *right to begin to operate as a broker for the transportation of persons as described under each application.*

A-00112913. Big Kids/All Kids Tours, Inc. (3272 Valleyview Road, Sharpsville, Mercer County, PA 16150), a corporation of the Commonwealth of Pennsylvania—brokerage license—to arrange for the transportation of passengers between points in Pennsylvania. *Attorney:* Robert G. Yeatts, P. O. Box 1024, Hermitage, PA 16148.

A-00112921. Joseph A. Majersky and Kathryn K. Majersky, husband and wife, t/d/b/a Joe's Seniors (1311 East 8th Street, Erie, Erie County, PA 16508)—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania. *Attorney:* Richard T. Ruth, 1026 West 26th Street, Erie, PA 16508.

Applications of the following for approval of *discontinuance of service for the transportation of persons as described under each application.*

A-00107104, F. 1, Am-B. Len A. Cline (314 East King Street, Chambersburg, Franklin County, PA 17201)—discontinuance of service—persons upon call or demand, (1) in the township of Washington, Franklin County; and (2) in the borough of Waynesboro and the township of Quincy, both in Franklin County.

A-00107104, F. 2, Am-A. Len A. Cline (314 East King Street, Chambersburg, Franklin County, PA 17201)—discontinuance of service—persons in paratransit service between points in the borough of Waynesboro and the townships of Washington and Quincy, all in Franklin County; subject to the following condition: that the service herein authorized shall be provided only in vehicles which are not equipped with taxi meters or dome lights.

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 22, 1996.

- A-00112911 Ronald Leiphart Trucking, Inc.
R. D. 1, Box 10, Brogue, PA 17309
- A-00112912 Cheryl A. Teter, t/d/b/a C.A.T.
Transportation
6277 Marcy Road, Pierpont, OH 44082
- A-00112915 M.S.S.G., Inc.
P. O. Box 265, Larimer, PA 15647
- A-00112916 Bio-Test Building Maintenance & Services, Inc., t/d/b/a Bio-Test Medical, Inc.
P. O. Box 5, Allison Park, PA 15101
- A-00112926 Samuel S. Lapp
3761 Ridge Road, Gordonville, PA 17529
- A-00112917 W. Anthony Martin
1162 Weawit Street, East Earl, PA 17519
- A-00112918 Susan A. Lally, t/d/b/a Sueden Trucking
457 West Main Street, Girardsville, PA 17935
- A-00112919 William C. Larimer, t/d/b/a Larimer
Trucking
455 Hadley Road, Greenville, PA 16125
- A-00112923 Ray McGuire, t/d/b/a McGuire Trucking
239 West Washington Street, Bradford, PA 16701
- A-00112924 Carl C. Chytla, t/a/d/a WEFTCO
322 Valley Road, West Grove, PA 19390
- A-00112925 Ralph Butch, Inc.
407 South Pitt Street, Mercer, PA 16137
- A-00112927 Chris L. Long, t/d/b/a Chris L. Long's
Trucking
R. D. 1, Box 924, Herndon, PA 17830
- A-00112928 J. D. Trucking, Inc.
P. O. Box 92, McAdoo, PA 18237

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-567. Filed for public inspection April 5, 1996, 9:00 a.m.]

**Telecommunications Service
Without Hearing**

A-310260F0002. NEXTLINK Pennsylvania, L. P. Application has been made to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Code, by NEXTLINK Pennsylvania, L. P. (formerly Penns Light Communications, L. P.) to amend its certificate of public convenience to operate as a local exchange telecommunications company and to resell authorized telecommunications services throughout the Commonwealth of Pennsylvania.

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 thereof served upon applicant on or before April 22, 1996, under 52 Pa. Code (relating to public utilities).

Counsel for applicant: James H. Cawley, Esquire, Roads & Sinon, P. O. Box 1146, Harrisburg, PA 17108.

Applicant's addresses: J. Scott Bonney, Vice President, NEXTLINK Pennsylvania, L. P., Regulatory and External Affairs, Suite 810—155 108th Avenue, N. E., Bellevue, WA 98004; Gary Rawding, President, NEXTLINK Pennsylvania, L. P., Suite 2100—2675 Morgantown Road, Reading, PA 19607.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-568. Filed for public inspection April 5, 1996, 9:00 a.m.]

Water Service Without Hearing

A-212285F0030. Pennsylvania-American Water Company and Westford Water Company. Application of Pennsylvania-American Water Company and Westford Water Company for approval of (1) the transfer, by sale, of the waterworks property and rights of the Westford Water Company to Pennsylvania-American Water Company, (2) the right of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in additional portions of West Hanover Township, Dauphin County, Pennsylvania and (3) the permanent discontinuance by Westford Water Company of all water service to the public.

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 22, 1996, under 52 Pa. Code (relating to public utilities).

Counsel for Applicants: Pennsylvania-American Water Co., Velma A. Redmond, Esq., 800 West Hersheypark Drive, Hershey, PA 17033; Westford Water Company, Jordan Cunningham, Esq., Cunningham and Chernicoff, 2320 North Second Street, Harrisburg, PA 17106-0457.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-569. Filed for public inspection April 5, 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 18, 1996, for Project #96-078-001 (Purchase of One New Two Wheel Drive Pick Up Truck). The Bid Document can be obtained from the Procurement Administrator, Phila. Regional Port Authority (PRPA), 210 W. Washington Square, 8th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be

available April 9, 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. 96-570. Filed for public inspection April 5, 1996, 9:00 a.m.]

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9602.6—Replacement of Fire Pump Motor Controllers at Pier 84 South until 2 p.m. on Thursday, April 25, 1996. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Square, 8th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available April 9, 1996. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations. Mandatory prebid job site meeting will be held April 18, 1996, 10 a.m. at Main Door—Pier 84 South, Columbus Boulevard and Porter Street.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 96-571. Filed for public inspection April 5, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting sealed bids for: 1) 3/4 Ton Vans and 8 Passenger Mini-Vans; Open Date: April 22, 1996, 11 a.m.; 2) Tractor with Hydraulic Boom Flail Mower; Open Date: April 22, 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. 96-572. Filed for public inspection April 5, 1996, 9:00 a.m.]

Request for Proposals

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. 95-002-RE75. Roadway repairs between M. P. 101.71 and M. P. 116.00 on the PA Turnpike System in Somerset County, PA.

Bid Opening: May 2, 1996, 11 a.m.
Bid Surety: 5%.

Plans, specifications and Contract Documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$60 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. 96-573. Filed for public inspection April 5, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 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

7313460 Containers, household, commercial, packaging and packing—3,000 pkgs.; 6-3/4" W x 18" H, 250/pkg.—2,500 pkgs.; bag, gift, flat, silver metalized polypropylene.

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

2548725 Data processing and computer equipment and supplies—1 lot; equipment needed to provide redundancy on a Harris Voice Frame and voice bridge with appropriate accessories.

Department: Employee's Retirement
Location: Harrisburg, Dauphin County, PA 17108
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2424355 Data processing and computer equipment and supplies—3 each; Proxima Ovation Model 822 projection panel with soft carrying case, Cyclops, and laser pointer.

Department: Environmental Protection
Location: Conshohocken, Montgomery County, PA 19428
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2499355 Data processing and computer equipment and supplies—6 each; Calcomp Drawingboard III Digitizer, backlit with stand for PC interface.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA 17105-2063
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8055360 Data processing and computer equipment and supplies—65 each; slip document printers.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2277115 Firefighting, rescue, safety and police equipment and supplies—1 system; furnish and install all equipment necessary for a perimeter intrusion detection and reporting system.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA 16652
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

1005216 Forklift—electric sit down rider (3 wheel). Ref.: Hyster 30XM or equal.

Department: Public Welfare
Location: Danville State Hospital, Danville, Montour County, PA 17821-0700
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2558155 Furniture—1 lot; furnish and set-up (except where "furnish and deliver" only notations appear herein) library bookstack shelving and complementary components.

Department: Mansfield University
Location: Mansfield University, Mansfield, Tioga County, PA 16933
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8231610 Highway maintenance equipment—1 each; post pounder, guiderail (retrofit) with remote control—1 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8231620 Highway maintenance equipment—1 each; sprayer, concrete with compressor—1 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8231320 Highway maintenance equipment—12 each; spreader, conveyor, tailgate—12 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8231140 Highway maintenance equipment—2 each; saw, rock, skid steer attachment—2 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8502960 Highway maintenance equipment—2,000 each; shovel, barn and cinder.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8231580 Highway maintenance equipment—6 each; patching machine, trailer mounted—6 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2590155 Laboratory equipment and supplies—1 each; furnish and render operational a Model SZH10 Olympus stereo microscope w/photo.

Department: University of Pittsburgh
Location: Pittsburgh, Allegheny County, PA 15203
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2593155 Laboratory equipment and supplies—1 each; Olympus 6 head conf. microscope.

Department: University of Pittsburgh
Location: Pittsburgh, Allegheny County, PA 15203
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2511155 Laboratory equipment and supplies—1 lot; countertop surgery hoods.

Department: University of Pittsburgh
Location: Pittsburgh, Allegheny County, PA 15203
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2569155 Laboratory equipment and supplies—3 each; Swine transfer restraint cage.

Department: University of Pittsburgh
Location: Pittsburgh, Allegheny County, PA 15203
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2588155 Laboratory equipment and supplies—4 each; furnish and render operational a Charles River Laboratories, 3 ft. semi-rigid isolator and vacuum unit.

Department: University of Pittsburgh
Location: Pittsburgh, Allegheny County, PA 15203
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2573155 Laboratory equipment and supplies—17 each; sliding panel Prim Soc cage (73" x 32" x 83.5").

Department: University of Pittsburgh
Location: Pittsburgh, Allegheny County, PA 15203
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2522155 Laboratory equipment and supplies—2 each; Wild M650 Demo Model microscope for research or equal.

Department: University of Pittsburgh
Location: Pittsburgh, Allegheny County, PA 15203
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2483355 Laboratory equipment and supplies—6 each; Mini-X KVP/time meters.

Department: Environmental Protection
Location: Harrisburg, Dauphin County, PA 17105-8469
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8502970 Lumber, millwork, plywood and veneer—various amounts; plywood, different sizes.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17105-0545
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2469115 Motor vehicles, trailers and cycles—1 each; 1996 model converted van type passenger vehicle w/wheelchair lift.

Department: Corrections
Location: Camp Hill, Cumberland County, PA 17001-0598
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2304205 Motor vehicles, trailers and cycles—1 each; 1996 model passenger type mini-van.

Department: State Police
Location: Harrisburg, Dauphin County, PA 17103
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2490205 Motor vehicles, trailers and cycles—12 each; 1996 model sedan.

Department: State Police
Location: Harrisburg, Dauphin County, PA 17103
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8231010 Motor vehicles, trailers and cycles—various amounts; dump trucks, different sizes.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

8231020 Motor vehicles, trailers and cycles—various amounts; dump trucks, different sizes.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

7313360 Motor vehicles, trailers and cycles—various amounts; heavy duty trucks w/appropriate accessories.

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

2601385 Paper and printing—1 lot; mini maps titled "Recreational Guide" for twenty-nine State parks for the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of State Parks.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA 17105-8551
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2611155 Paper and printing—1,900 ream; PBD-State Seal bond paper, 8-1/2 x 11, 20/10, 500 sheets to a ream—75 box; State Seal envelopes, 100% rag 3-5/8 x 6-1/2 size, No. 6-3/4 envelope, cream color, 500/box.

Department: General Services
Location: Harrisburg, Dauphin County, PA 17125
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2603385 Paper and printing—323,000 each; State Park Guides for French Creek and Presque Isle State Parks, for the Commonwealth of Pennsylvania.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA 17105-8551
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2602385 Paper and printing—433,000 each; The 1996 Edition of the "Recreational Guide" for the Commonwealth of Pennsylvania.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA 17105-8551
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2600195 Paper and printing—500m; Professional license and I.D. card, 8-1/2 x 11—500 m; Professional license envelope, 9 x 6.

Department: State
Location: Harrisburg, Dauphin County, PA 17120-0029
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-47051

1002116 Plumbing, heating and sanitation equipment—various amounts; Sloan Royal flush valve, Model 150, XYVBRF, 6-3/4, 1dim w/h5 and h3 Mod. 4.5 gpf-Code No. 3911524 "no substitution" w/acceptable accessories.

Department: Corrections
Location: Graterford, Montgomery County, PA 19426-0246
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

7313450 Radio and television equipment and supplies—16 each; furnish and render operational closed circuit television surveillance systems.

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

2361385 Radio and television equipment and supplies—25 each; Husky FS/2 data collector. No substitute.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA 17105-8552
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

2455305 Tractors—1 each; latest model industrial wheel tractor/loader/backhoe.

Department: Historical and Museum Commission
Location: Harrisburg, Dauphin County, PA 17108-1026
Duration: Indeterminate 1995-96
Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

SERVICES

Advertising—01

081-96-7000-39 Provide a clipping service on approximately 45 criminal justice topics. News articles to be clipped and received by PCCD in a timely fashion. Resources should include all Pennsylvania daily newspapers except Philadelphia Daily News, Philadelphia Inquirer (clip Sunday only) and Harrisburg Patriot, Evening News or Sunday Patriot News. Clip 25 Sunday newspapers. This contract is for 24 months with the option to renew for one year. Twenty-six percent of the total cost of the program will be funded by Federal funds. Responses to this advertisement received 30 days after publication will not be honored. The PCCD is an equal opportunity employer.

Department: Executive Offices
Location: Commission on Crime and Delinquency, Fourth Floor, Executive House, Second and Chestnut Streets, Harrisburg, PA 17101
Duration: 7-1-96/6-30-98
Contact: Geary D. Kauffman, (717) 787-8077, ext. 3026

Computer Related Services—08

Project No. 95-17 "Automated Permit Routing/Analysis System." The objective of this project is to automate hauling permit processing. This includes development of all necessary software and documentation for hauling permit routing and processing. Detailed requirements and an RFP are available upon request. FAX requests for the RFP 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: 27 months
Contact: Dorothy Irvin, (717) 787-7997

95-CO20 The Department of Corrections is seeking proposals for on-site maintenance agreement for one Memorex Telex Disk Storage Array Model No. 3890-2K8, Serial No. 920147 having 15.12 gigabytes storage and storage cabinet.

Department: Corrections
Location: Department of Corrections, Computer Services Division, 55 Utley Drive, Camp Hill, PA 17001-0598
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 975-4960

SPC 273821 Mainframe Software: (a) Lightspeed NVS for Windows—Tier 5; (b) Lightspeed NVS LAN/WP—Tier 5; (c) Wang WP Microcode—Tier 5; (d) Lightspeed NVS for Windows—95NT.

Department: Pennsylvania Board of Probation and Parole
Location: 3101 North Front Street, Harrisburg, PA 17110
Duration: Indeterminate 1995-96
Contact: James Alibrio, Director, (717) 787-1006

Construction Maintenance—09

Project No. DGS A 251-328 Project title: Sheet Metal Building. Brief description: construct sheet metal building with heat, lighting, utility connections and plumbing rough-in. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 24, 1996 at 2:00 p.m.

Department: General Services
Location: Eastern PA Training Center, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

Project No. DGS 1103-54 Project title: Construction of New Science Center. Brief description: three story masonry and steel academic building housing lecture rooms, laboratories, auditorium and support spaces. HVAC, plumbing, electrical and fire suppression systems for the science environment are included. General construction, HVAC, plumbing and electrical construction. Plans deposit: \$190.00 per set. Payable to: HHSDR Architects/Engineers. 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: HHSDR Architects/Engineers, 40 Shanango Avenue, P. O. Box 648, Sharon, PA 16146, telephone (412) 981-8820. Bid date: Wednesday, May 8, 1996 at 11:00 a.m. Pre-bid conference has been scheduled for Wednesday, April 17, 1996 at 10:00 a.m. in Room G-7, Haskell Library, University of Pittsburgh, Titusville Campus, Titusville, PA. Contact person: Richard Saliga, (412) 624-9527. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: University of Pittsburgh, Titusville Campus, Titusville, Crawford County, PA
Duration: 330 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

080888 Schuylkill County, SR 4002-01B; Carbon County, Group 5-96-POC2A; Berks County, Group 5-96-POC1B.

Department: Transportation
Location: District 5-0
Duration: FY 1995/1996
Contact: V. C. Shah, P.E., (717) 787-5914

Elevator Maintenance—13

Project No. DGS 572-21 Project title: Elevator for Infirmiry. Brief description: selective demolition. Construct new masonry hoistway for a 4000 pound hospital style elevator three (3) stop. Construct new third (3rd) floor elevator room, install new doors and new electrical and mechanical improvements to hoistway. General construction. Plans deposit: \$50.00 per set. Payable to: E. Pawlowski 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: E. Pawlowski Associates, 430 Main Street, Johnstown, Pennsylvania 15901, telephone (814) 536-5321. Bid date: Wednesday, May 1, 1996 at 2:00 p.m.

Department: General Services
Location: State Correctional Institution, Huntingdon, Huntingdon County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

Engineering Services—14

Project No. 703 Monitoring and air testing.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 3205 Lancaster Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Environmental Maintenance Services—15

OSM 17(4431)101.1 Abandoned Mine Reclamation, Berwinstale East, involves an estimated 70,500 c. y. of grading and 8.5 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

Department: Environmental Protection
Location: Jordan Township, Clearfield County
Duration: 120 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Project No. DGS 401-50 Project title: Replacement of Steam Lines, Phase II. Brief description: work consists of removing and replacing existing steam condensate lines and selected manholes, rebuilding selected manholes, replacing run of underground piping with new pipe tunnel and electrical and drainage work in manholes. Heating, ventilating and air conditioning and electrical construction. Plans deposit: \$120 per set. Payable to: Reilly 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: Reilly Associates, 222 Wyoming Avenue, West Pittston, Pennsylvania 18643, telephone (717) 654-2473. Bid date: Wednesday, May 1, 1996 at 2:00 p.m.

Department: General Services
Location: Bloomsburg University of Pennsylvania, Bloomsburg, Columbia County, PA
Duration: 420 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

Food—19

96-019 Bag-In-A-Box juice/punch dispenser unit. Product to be Lemon-X, Jersey Juice or approved equal—flavors to include: 120 boxes fruit punch, 5 gal./pkg.; 80 boxes orange, 3 gal./pkg.; 80 boxes apple raspberry, 3 gal./pkg.; and 60 boxes grape punch, 5 gal./pkg. Bids will be awarded on lowest aggregate basis. Bids will be opened at this facility on May 1, 1996 at 2:30 p.m.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July, 1996 through June, 1997
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

96-020 Miscellaneous foods (frozen juice) as follows: 3,120 dozen apple juice, unsweetened; 1,560 dozen grape juice, unsweetened; 4,160 dozen orange juice, unsweetened; 1,560 dozen orange-pineapple juice, unsweetened; and 208 dozen cranberry, juice drinks. Bids will be awarded to the lowest bidder on an aggregated total. Bids will be opened at this facility on May 1, 1996 at 2:30 p.m.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July, 1996 through June, 1997
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

96-021 Dairy products and drinks as follows: 36,000 each fruit drink (assorted flavors—orange, grape and punch); 12,000 each lemonade (pink or yellow); and 12,000 each iced tea (one pint containers). Bids will be awarded to the lowest bidder on an aggregate total. Bids will be opened at this facility on May 1, 1996 at 2:30 p.m.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July, 1996 through June, 1997
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

96-022 Pies and cakes, fresh as follows: 216 each apple pie; 84 blueberry pie; 84 cherry pie; 168 each peach pie; and 168 each sweet potato pie. Bids will be awarded on an aggregate basis. Bids will be opened at this facility on May 2, 1996 at 2:30 p.m.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July, 1996 through December, 1996
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

96-023 Chips and snacks as follows: 4,320 bags regular potato chips; 4,320 bags Bar-B-Q potato chips; 4,320 bags sour cream and onion potato chips; 3,600 bags pretzels; 2,880 bags corn curls; and 3,880 bags cheddar popcorn. Bids will be awarded to the lowest bidder on an aggregate total. Bids will be opened at this facility on May 2, 1996 at 2:30 p.m.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July, 1996 through June, 1997
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

96-024 Bread, rolls and related products, fresh as follows: 8,800 loaf bread, white enriched; 50 loaf bread, rye, seedless; 267 loaf bread, wheat (whole); 213 loaf bread, wheat (cracked); 260 loaf bread, cinnamon/raisin; 2,000 dozen rolls, hamburger; 1,600 dozen rolls, frankfurter; 1,600 dozen rolls, dinner, soft; 1,400 dozen rolls, hard; 347 dozen muffins, English; 800 loaf French bread; and 160 loaf bread, oat bran. Bids will be awarded to the lowest bidder on an aggregate total. Bids will be opened at this facility on May 2, 1996 at 2:30 p.m.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July, 1996 through June, 1997
Contact: Dorthia Claud-Williams, Purchasing, (215) 953-6412

8187 Fresh bread, rolls and related products. 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 through 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: July 96—December 96
Contact: BD Muntz, (814) 726-4496

No. 850 Frozen juices: 96 cases—4 oz. containers; delivered bi-weekly—in the following flavors: apple, cranberry, grape, prune, and orange.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: July—December 1996
Contact: Patty Frank, Purchasing Agent, (814) 432-0397

B-169 through B-180 Bread, white, no pork products, Wonder Bread not acceptable. Average monthly usage 35,000 loaves. Rolls,—hamburger—1200 dozen; hot dog—1200 dozen; steak—1200 dozen. To include any other related products as needed. To be bid out on a monthly basis.

Department: Corrections
Location: SCI Graterford, P. O. Box 246, Graterford, PA 19426-0246
Duration: Three years
Contact: Kelly Richardson, (610) 489-4151

Inquiry No. 7289 Coffee, concentrate, frozen (decaffeinated)—for a one year period beginning July 1, 1996 through June 30, 1997. Delivery schedule may be obtained from the institution.

Department: Public Welfare
Location: Main Kitchen, Danville State Hospital, Danville, PA 17821-0700
Duration: July 1, 1996—June 30, 1997
Contact: Pamela Bauman, Purchasing Agent, (717) 275-7412

9524 Fresh fruits and vegetables—all items listed below will be bid monthly—all amounts are approximate for entire twelve (12) month period (plus additional related items as required). Apples—650 cases; bananas—800 cases; cabbage—42,000 lbs.; carrots—30,000 lbs.; celery—650 cases; grapefruit—800 cases; lettuce—800 cases; onions—46,000 lbs.; oranges—800 cases; tomatoes—500 cases; potatoes—100,000 lbs.; cantaloupe—350 cases; watermelon—400 cases; honeydew—110 cases; pears—110 cases.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voekler, Purchasing Agent, (717) 546-3171

9525 Ice cream novelties—Dixie cups, popsicles, sandwiches, plus additional related items as required. All items will be bid quarterly. Estimated requirements for entire eight (8) month period—3,000 boxes.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

9526 Oleo—margarine, one pound block size and ready patties. All items will be bid quarterly. All amounts are approximate for entire eight (8) month period, plus additional related items as required. 1 lb. block—18,000 lbs.; ready patties—13,000 lbs.

Department: Corrections
Location: State Correctional Institution, Storeroom, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

9527 Frozen vegetables—items listed below are to be bid quarterly—all amounts are approximate for the entire twelve (12) month period, plus additional related items as required. Cauliflower—15,500 lbs.; broccoli—17,500 lbs.; brussel sprouts—15,500 lbs.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

9528 Bread products—all items listed below will be bid monthly—all amounts are approximate for entire twelve (12) month period, plus additional related items as required. White bread—60,000 loaves; rye bread—4,500 loaves; whole wheat bread—11,000 loaves; snowflake rolls—1,000 dozen; hot dog rolls—10,000 dozen; hamburger rolls—10,000 dozen; sub rolls—7,500 dozen; Italian bread—10,000 loaves.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

9529 Eggs, shelled, frozen liquid and frozen whites, plus related items as required. To be bid monthly.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

9530 Meat products—all items listed below will be bid monthly—all amounts are approximate for entire twelve (12) month period, plus additional related items as required. Chicken quarters—23,000 lbs.; turkey bologna—5,700 lbs.; ground turkey—11,250 lbs.; turkey roll—2,300 lbs.; turkey salami—3,600 lbs.; chicken, whole—23,000 lbs.; turkey roasts—11,250 lbs.; beef frankfurters—7,900 lbs.; veal patties—3,400 lbs.; liver—8,900 lbs.; breaded fish—10,000 lbs.; cheese pizza—8,900 lbs.; fish fillet—12,000 lbs.; Italian sausage—5,500 lbs.; clams—2,300 lbs.;

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

9531 Cheese products—items listed below are to be bid quarterly—all amounts are approximate for the entire twelve (12) month period, plus additional related items as required. Swiss cheese—12,000 lbs.; American cheese—14,000 lbs.; cheddar cheese—12,000 lbs.; provolone cheese—12,000 lbs.; mozzarella cheese—12,000 lbs.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

9532 Dairy products—all items listed below will be bid semi-annually—all amounts are approximate for entire twelve (12) month period, plus additional related items as required. Milk, 2%—20,000 gallons; milk, skim—11,000 1/2 pint containers; milk, 2%—40,000 1/2 pint containers; cottage cheese—4,500 lbs.; sour cream—2,500 lbs.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96 through 6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

EG-7800-96 Eggs, fresh, white, Consumer Grade A, medium, Class 1, natural shell protected. Minimum net weight per case (30 dozen)—39 1/2 pounds. Eggs to be graded and stamped at point of shipment, certificate to be furnished with each delivery. Quantities and deliveries to be determined by the Institution. Bids will be on a quarterly basis.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

CHS-7800-96 Cheese, American, type: white, sliced, unsliced, 5 lb. loaf. Cheddar, natural, rindless, Grade A, Class II, medium cured, mild cheddar flavor, wrapped and cartoned in 10 lb. loaves. To include any other type cheese that may be required by the Institution. Quantities and deliveries to be determined by Institution. Bid will be on a monthly basis. Award to be made on an item-per-item basis.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

BP-7800-96 Beef and pork products, as specified: beef liver, ground beef, ground beef patties, frankfurters—all beef, Swiss steaks, stewing beef, boneless top beef round; pork sausage patties, pork chops, pork ham; cooked salami, chopped ham Pullman style, Lebanon bologna. To include any other beef or pork product that may be required for this period. Quantities and deliveries to be determined by the Institution. Bids will be on a monthly basis. Award to be made on an item-per-item basis.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

DO-7800-96 Doughnuts—various glazed, sugar coated, etc. Approximately 1 1/2 to 2 oz. each, 3 to 4 inches in diameter. Packaged in 1 or 2 dozen per box. Bid quarterly. Quantities and deliveries to be determined by the Institution.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

FSH-7800-96 Fish and seafood, breaded, pre-cooked, frozen, haddock or whiting. Fish sticks, pre-cooked oven ready frozen haddock or whiting fish in batter. Clams, minced. To include any other fish products that may be required during this period. Quantities and deliveries to be determined by the Institution. Bids will be on a monthly basis. Award to be made on an item-per-item basis.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

IC-7800-96 Ice cream: no pork or pork by-products. Quantities, types, and deliveries to be determined by the Institution. Bids will be offered on a quarterly basis.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

CF-7800-96 Convenience foods as specified: cauliflower, frozen. Broccoli, style: chopped, frozen. Beef patties Salisbury, seasoned with peppers and onions. Sandwich steak, wafer sliced, all beef. Veal and beef patties, breaded cooked or blanched. To include any other frozen vegetables and frozen meat that may be required. Quantities and deliveries to be determined by Institution. Bids will be on a monthly basis. Awards will be made on an item-per-item basis.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

PP-7800-96 Poultry and poultry products, as specified: turkey roasts; poultry patties; poultry bologna; ground turkey; turkey ham; chicken fryers. To include any other poultry products that may be required for this period. Quantities and deliveries to be determined by the Institution. Bids will be on a monthly basis. Award to be made on an item-per-item basis.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

FV-7800-96 Produce—vegetables to be supplied in accordance with PA Spec. V-14. Fruits to be supplied in accordance with PA Spec. F-46. To include cabbage, carrots, celery, cucumbers, lettuce, onions, peppers, potatoes, radishes, tomatoes, apples, bananas, grapefruit, pears and any other related items as required by Agency. Bid will be on a monthly basis. Deliver weekly. U.S.D.A. Certificate required.

Department: Corrections
Location: State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

FL-7800-96 Flour, various—bleached, high gluten, patent, cake, all purpose, whole wheat, rye, etc. Packaged in 50 lb. and 100 lb. bags. To be bid as required. Quantities and deliveries to be determined by the Institution.

Department: Corrections
Location: State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256
Duration: July 1, 1996—June 30, 1997
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

5051 Dairy products—includes cheese, margarine, cottage cheese, cream cheese, and fruit drinks. For delivery during the period: July through December, 1996. Specifications, quantities and delivery dates available upon request.

Department: Public Welfare
Location: Torrance State Hospital, Attn: Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111
Duration: January through June, 1996
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

5050 Frozen juice—for delivery July through December, 1996. Specifications, delivery dates and quantities per delivery available upon request.

Department: Public Welfare
Location: Torrance State Hospital, Attn: Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111
Duration: July through December, 1996
Contact: Linda J. Zoskey, Purchasing Agent, (412) 459-4547

Inquiry No. 8774 Miscellaneous frozen foods.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to September, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Inquiry No. 8773 Poultry and poultry products.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to September, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Inquiry No. 8772 Meat and meat products.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to September, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Inquiry No. 8771 Fruits and vegetables, frozen.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to September, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Inquiry No. 8770 Dairy products.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to December, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Inquiry No. 8769 Cheese.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to December, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Inquiry No. 8768 Yogurt.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to December, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Inquiry No. 8767 Juice, portion packed, frozen.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to December, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Inquiry No. 8766 Bread, rolls and related products, fresh.

Department: Public Welfare
Location: Selingsgrove Center, FOB State Agency Storeroom, Selingsgrove Center, Selingsgrove, Snyder County, PA 17870
Duration: July to December, 1996
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Fuel Related Services—20

RFP 95-1 Indiana University of Pennsylvania (IUP) is seeking proposals for a vendor to supply natural gas to select Universities within The State System of Higher Education (SSHE). Vendors may choose to submit proposals to supply natural gas to IUP's S. W. Jack Cogeneration Facility only; eleven universities of the SSHE including IUP; and/or ten universities of the SSHE excluding IUP. Proposals will be received at the IUP Purchasing Services Office no later than 1:30 p.m. on Friday, May 31, 1996. Preproposal conference will be held at 10:00 a.m. on Wednesday, May 1, 1996, at the IUP Robertshaw Facilities Conference Room. Attendance is mandatory. For further information and a copy of the Request for Proposal, contact Mrs. Pamela K. Froelicher, Director of Purchasing, at (412) 357-3077. The University encourages responses from small firms, minority firms, women owned firms and those firms which have not previously performed work for the system.

Department: State System of Higher Education
Location: Various Universities in the State System of Higher Education
Duration: January 1, 1997—December 31, 2001
Contact: Pamela K. Froelicher, (412) 357-3077

Hazardous Material Services—21

0280-01 Contractor shall excavate and transport approximately 2,000 tons of residual waste (soil/asphalt contaminated mixture) to the BFI Greentree Landfill in Kersey, PA, in accordance with ADEP regulations. Area in question is 160 ft. x 50 ft. x 4 ft. = 1185 cu. yds. The cost per ton shall include all landfill fees, all labor, equipment, and mobilization. All work shall be completed within 10 days of start of work. Start date to be determined by the Department. Quantities are estimated. Contract shall be awarded by competitive bid.

Department: Transportation
Location: Engineering District 2-8, 805 Theresia Street, St. Marys, Elk County, PA 15857
Duration: 06-17-96 through 06-16-97
Contact: Thomas C. Saline, (814) 834-2861

SP Bid No. 9607 Infectious/pathological waste removal. Contractor to provide service for removal of infectious/pathological waste from the grounds of Clarks Summit State Hospital for disposal at a facility approved by Department of Environmental Protection and other regulatory bodies having jurisdiction. Copy of disposal facility's current permit/license shall accompany bid. Collection/removal once every two weeks required. Days to be designated by hospital. Approximate amount of infectious/pathological waste per week: 200 lbs. Vendor shall supply waste container. Additional information available upon request.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: July 1, 1996 to June 30, 1999
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

96-003 The contractor shall provide asbestos-related testing, soil and air quality testing and monitoring services to the Department of Corrections.

Department: Corrections
Location: Statewide
Duration: 1—3 years
Contact: Suzanne Malhenzie, (717) 975-4973

Heating, Ventilation, Air Conditioning—22

FM-154 Provide emergency and routine repair work for the 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 ninety (90) days. Bidding to be done on Labor Rate per hour for Mechanic and Helper. Charges permitted for materials and parts, net cost plus 25%.

Department: State Police
Location: Facility Management Division, Embreeville Station, 1818 West Strasburg Road, Coatesville, PA 19320
Duration: May 1, 1996 to June 30, 1999
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

2-2-00023 Maintenance of heating system for Hyde Maintenance Building, District 0220, Clearfield County. Three (3) maintenance visits required within the contract period. All visits shall be made during daily working hours except for emergency calls. Contractor must visit site before bidding to be familiar with the type of equipment to be maintained. The contractor must provide 24-hour emergency service at all times. Building is one story and is heated with natural gas. By mutual consent of both parties, this contract shall be renewed by amendment at price quoted for one year periods for a total of three renewal amendments.

Department: Transportation
Location: District 0220, P. O. Box 245, Corner of Washington Avenue and Hall Street, Hyde, PA 16843-0245
Duration: 06/01/96 through 05/31/97
Contact: Debbie Swank, (814) 765-0524

Janitorial Services—23

SP282439 Contractor will provide general cleaning and janitorial services including: empty waste baskets, clean lavatories, sweep floors, vacuum carpets, dust furniture and wash windows. Detailed specifications and bid forms available from Northwest Regional Office, Department of Environmental Protection.

Department: Environmental Protection
Location: Warren District Office, 321 North State Street, North Warren, PA 16365
Duration: 7-1-96 to 6-30-99
Contact: Doug Higby, (814) 332-6816

081-9130 Furnish all labor, material and equipment to perform janitorial services for 13,300 sq. ft. of office space which includes 10 offices, 3 conference rooms, 2 restrooms, and 1 employee lounge. Must have local management within 25 mile radius of Executive House, Harrisburg, PA. Complete details and specifications may be obtained during the required on-site inspection. References may be required. Bid responses must be received by April 26, 1996, 5:00 p.m.

Department: PA Human Relations Commission
Location: 101 South 2nd Street, 3rd Floor, Executive House, Harrisburg, PA 17101
Duration: 07/01/96 through 06/30/99 (2 years w/option to renew for 1 additional year)
Contact: Jennifer Ayers, (717) 783-8272

Lodging/meeting facilities—27

X97998 Provide meeting facilities including lodging, meals and meeting rooms for up to two, three-week training sessions for new technical employees.

Department: Environmental Protection
Location: Within a 25-mile radius of the City Limits of Harrisburg, PA
Duration: 7/96 through 12/96
Contact: Ally Castaneira, (717) 787-2471/TDD users 1-800-654-5984

Medical Services—29

RFP 96-1 Contracted services include establishment, expansion, or improvement of community rehabilitation programs which promise to contribute substantially to the rehabilitation of persons with severe disabilities. OVR will reinforce community rehabilitation programs through provision of equipment, minor structure alterations for accessibility accommodation, and initial or additional program staffing. Awards will be based upon OVR's acceptance of 1) applicant's identified need; 2) applicant's plan to address the need; 3) applicant's projected service outcomes.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, 1320 Labor and Industry Building, Harrisburg, PA 17120
Duration: 9/30/96—9/29/97
Contact: Raymond L. Walker, (717) 787-5735

SP Bid No. 9606 Provide epidemiology services to Clarks Summit State Hospital including Long Term Care Unit.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: 07/01/96—06/30/97
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

1996-1 This request is seeking proposals from contractors to provide actuarial services to assist the Director of the Medical Professional Liability Catastrophe Loss Fund. The selected contractor must prepare and calculate the 1997, 1998 and 1999 annual surcharge request of the Medical Professional Liability Catastrophe Loss Fund. Further, the selected contractor must prepare an actuarial analysis encompassing an estimate of the Fund's liability for losses and loss adjustment expenses, and a comparison of the statutorily defined surcharge to the surcharge necessary to adequately fund all liabilities currently assumed by the Fund and projected for future years. The contractor must conduct an analysis of the Fund's estimated claims values, and update the forecast of the Fund's financial performance. The contractor will also be responsible for updating the Fund's estimated claim value (ECV). Proposals must be received by the Fund at its Harrisburg office no later than May 3, 1996. Any proposals received after this date will not be accepted.

Department: Executive Offices
Location: Medical Professional Liability Catastrophe Loss Fund, 221 North Second Street, P. O. Box 12030, Harrisburg, PA 17108
Duration: July 1, 1996 through June 30, 1999
Contact: Arthur F. McNulty, Chief Counsel, (717) 783-3770

96-001 The contractor shall provide inpatient drug and alcohol services, dually diagnosed inpatient services, intensive outpatient drug and alcohol services and outpatient drug and alcohol services to the PA Board of Probation and Parole to assist parolees who are encountering substance abuse difficulties in the communities. Services may vary from a few beds to an entire facility. The Department is seeking beds in Region I.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: 1—4 years
Contact: Suzanne Malhenzie, (717) 975-4973

95C019 The Department of Corrections is seeking proposals for a laboratory to provide urinalysis drug and alcohol testing services. Testing will be conducted at numerous locations throughout the Commonwealth. Services will be provided to the Department of Corrections and the Board of Probation and Parole.

Department: Corrections
Location: Statewide
Duration: 3 years
Contact: Linda Morrison, (717) 975-4999

Property Maintenance—33

SP288312 Vendor to furnish and be responsible for labor, equipment and supplies to provide janitorial and snow removal services for the Cambria County Assistance Office. This area is approximately 25,600 square feet and includes stairways and hallways. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: 239 Main Street, Johnstown, PA 15901
Duration: 07-01-96—06-30-97
Contact: Lori Vessella, (717) 783-9281

282203 Complete (inside and outside) cleaning of windows on the campus of East Stroudsburg University. Must be scheduled between August 12, 1996 and August 31, 1996 with the Housekeeping Department. Work must be accomplished only on clear days. Contractor must provide proof of appropriate insurance coverage (i.e. Liability and Workmen's Compensation).

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301
Duration: August 12, 1996—August 31, 1996
Contact: William Roth, (717) 424-3203

SP-295908 Clean windows quarterly at the Northwest Office Building, Capital and Boas Streets, Harrisburg, PA 17124-0001.

Department: Liquor Control Board
Location: Northwest Office Building, Capital and Boas Streets, Harrisburg, PA 17124-0001
Duration: 7/1/96 to 6/30/2001
Contact: James A. Gilbert, Jr., (717) 787-9855

MR 0800-53 Mowing and landscape maintenance at Rest Area Site J, located along Interstate 83, Northbound two miles north of the Pennsylvania-Maryland State Line within York County, Shrewsbury Township. Specifications for this work available on request.

Department: Transportation
Location: Rest Area Site J, I-83 Northbound, Shrewsbury Township, York County, PA
Duration: August 1, 1996 to July 31, 1997
Contact: Ed Myers, (717) 787-7600

SC-95-016 Remove dirt, prepare site, pour and finish new concrete in 2 separate areas at facility. For specifications please send written request to Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213, Attn: Joseph Libus, Purchasing Agent II.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: 05/15/96 to 07/31/96
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

Project No. 704 Boiler removal.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 3205 Lancaster Avenue, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 701 Window replacement.
Department: Military and Veterans Affairs
Location: Building No. 55, Ft. Mifflin, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9706 Boiler replacement.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 208 Chestnut Street, Kane, McKean County, PA
Duration: 1 July 96—30 December 96
Contact: Emma Schroff, (717) 861-8518

Project No. 9705 Boiler section repairs/replacement.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 301 Tenth Street, Ford City, Armstrong County, PA
Duration: 1 July 96—30 December 96
Contact: Emma Schroff, (717) 861-8518

Project No. 9704 Replace old existing steel flagpole that is in danger of falling down.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 369 North George Street, York, York County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9703 Install vinyl siding on side and front of Armory.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 51 West Clearview Road, Hanover, York County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9702 Window replacement.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 900 Adams Avenue, Scranton, Lackawanna County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9701 Window replacement.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 515 East Samuels Avenue, Hazleton, Luzerne County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 707 Door replacement.
Department: Military and Veterans Affairs
Location: Building No. 56, Ft. Mifflin, Philadelphia, Philadelphia County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 708 Garage door replacement.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 900 Adams Avenue, Scranton, Lackawanna County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 9664 Install approximately 24 squares of vinyl siding and rigid insulation and trim. Replace 24 wood windows with vinyl replacement windows.
Department: Military and Veterans Affairs
Location: Quarters 5, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: 120 days
Contact: Emma Schroff, (717) 861-8518

Project No. 705 Remove existing felt and asphalt shingle roof. Replace approximately 350 ft. of roof deck and 18 rafters. Install 1/2" plywood underlayment, new felt and approximately 35 squares of new shingles.
Department: Military and Veterans Affairs
Location: Building 7-20, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. DGS A 372-1 Project title: New Security Fence. Brief description: furnish and install approximately 480 lineal feet of 12' vinyl clad fence and approximately 6500 square feet of concrete sidewalk. Miscellaneous construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 24, 1996 at 11:00 a.m.

Department: General Services
Location: Greene State Correctional Institution, Waynesburg, Greene County, PA
Duration: 100 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

WP-10810 Recondition 54" wooden section beams: beams are to be trued to shaft; beams are to have new bands on flanges; beams to be resurfaced and polyurethaned; balanced; maintain dimension between flanges. All freight charges must be included in unit price. Correctional Industries will assume no liability for freight pickup and/or delivery of the unfinished and finished beams.

Department: Correctional Industries
Location: P. O. Box 244, Off Route 29, Graterford, PA 19426
Duration: 07/01/96 to 06/30/97
Contact: G. L. Arasin, Manager I, (610) 489-3466

KU 96-11 Kutztown University is interested in obtaining bids for the Painting of Selected Interior Areas of Berks 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 April 8, 1996. There will be a pre-bid April 17, 1996. Bids are due on April 26, 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: 45 days after notice to proceed
Contact: Barbara Reitz, (610) 683-4132

Project No. DGS A 972-4 Project title: Hotel Roof and Porch Restoration. Brief description: installation of new reinforcing ties through existing brick walls; repairs to the second floor porch and roof; new fire treated cedar shingles; new roof related flashings and new terne coated stainless steel roofing, flashing, gutters and downspouts. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Bid date: Wednesday, April 24, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Wednesday, April 3, 1996 at 1:30 p.m. at the Visitors' Center, Landis Valley Museum, Lancaster, PA. Contact person: Galen Brown at (717) 783-9930. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

Department: General Services
Location: Landis Valley Museum, Lancaster, Lancaster County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

016019 Contractor must make three (3) scheduled seasonal visits to conduct routine cleaning and maintenance on the boilers and related systems. Repairs, both scheduled and emergency, must be performed as outlined in specifications. System consists of two low pressure gas fired boiler and related steam distribution system, and a rooftop gas fired heating-air conditioning system for the office area.

Department: Transportation
Location: Maintenance District 0160, 2579 Pennsylvania Avenue West Extension, Warren, PA 16363-0985
Duration: 07/01/96 to 06/30/97
Contact: Darrel E. Peterson, (814) 723-3500

95-126 Contractor shall provide all labor, material and equipment necessary to clean interior of residence located near Institution. A site visit is required.

Department: Corrections
Location: State Correctional Institution Waymart, Route 6, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256
Duration: April 1—June 30, 1996
Contact: Andrew J. Booths, Purchasing Agent, (717) 488-2516

2498 Exhaust/duct cleaning—contractor to clean hoods, duct systems and fans in main kitchen areas of Warren State Hospital. Complete specifications and other terms and conditions may be obtained by contacting the Hospital. Award to be made on a three year aggregate basis.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365
Duration: 09/01/96—06/30/99
Contact: JD Sample, (814) 726-4448

Project No. DGS A 251-302 Project title: Sheet Metal Building Repairs. Brief description: repairing sheet metal building wall panels, painting exterior of building and installing new standing seam metal roof. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 24, 1996 at 2:00 p.m.

Department: General Services
Location: PennDOT Maintenance Building, Selinsgrove, Snyder County, PA
Duration: 110 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

401-BL-510 Provide all labor, equipment and materials necessary and replace existing water cooled centrifugal chillers in Waller Administration Building and Haas Auditorium with water cooled helical rotary chillers. Project will be done by one prime mechanical contractor, to obtain bid documents which will be released about April 14, 1996, a non-refundable deposit should be paid to Quad Three Group, Inc., 37 North Washington Street, Wilkes-Barre, PA 18701 in the amount of \$60.00 by this date—telephone number is (717) 829-4200.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA 17815
Duration: 4 months
Contact: Joseph C. Quinn, (717) 389-4311

Project No. DGS A 251-301 Project title: Sheet Metal Building Repairs. Brief description: install new sheet metal building wall panels and paint metal roof. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 24, 1996 at 2:00 p.m.

Department: General Services
Location: Maintenance Building, Department of Transportation, Lewisburg, Union County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

Real Estate Services—35

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 22, 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

882A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with 13,280 useable square feet of new or existing office space, with minimum parking for twenty-nine (29) vehicles in Philadelphia, Philadelphia County, PA within the following boundaries: North: "B" Street to Tioga Street and 5th Street to Chew Street; South: Tacony Creek to Frankford Creek to Adams Avenue to Kensington Avenue; East: Chew Street from 5th Street to Tacony Creek; Southwest: Kensington Avenue to Allegheny Avenue; West: Allegheny Avenue to "B" Street and Tioga Avenue to 5th Street. In areas where street or public parking is not available, an additional one hundred (100) parking spaces must be provided. The office must be within one (1) block of a public transportation system. Proposals due: April 29, 1996. Solicitation No.: 092216.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1995-96
Contact: Doris Deckman or John A. Hocker, (717) 787-4394

881A Notice of Rescission Commonwealth of Pennsylvania. Announcement 873A (For Sale: 113 acres in Northeast Philadelphia—Byberry State Hospital) in the March 9, 1996, *Pennsylvania Bulletin*, vol. 26, No. 10, Page 1115, is rescinded.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1995-96
Contact: Stephen J. Squibb, (717) 787-4405

883A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Corrections with a minimum of 11,030 useable square feet of new or existing office space, in Philadelphia, Philadelphia County, PA, with minimum parking for twelve (12) vehicles, within the following boundaries: North: Olney Avenue and Chew Street; South: Wissahickon Avenue and Venango Street; East: 20th Street; West: Johnson Street. Proposals due: May 6, 1996. Solicitation No. 092217.

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

885A Sale of State Owned Property Commonwealth of Pennsylvania. The Commonwealth of Pennsylvania has for sale a parcel of land located at the intersection of US Route 1 (Lincoln Highway) and Rockhill Drive, in Bensalem Township, Bucks County, PA. Parcel contains 38.99 acres of gently rolling land with a small stand of trees located at the Northeast corner. The parcel is irregular in shape with approximately 1000 feet of frontage along Bensalem Boulevard and approximately 1770 feet along US Route 1 and the off ramp at Neshaminy. Requests for information and Bidding Packages are due by 3:00 p.m., April 17, 1996. Solicitation No. 885.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1995-96
Contact: Lloyd D. Colegrove, (717) 772-0538

Sanitation—36

9533 Bid for contractor to haul and treat raw sewage from the State Correctional Institution, Muncy, PA.

Department: Corrections
Location: State Correctional Institution, Route 405, Box 180, Muncy, PA 17756
Duration: 7/1/96—6/30/97
Contact: W. Voeckler, Purchasing Agent, (717) 546-3171

0882-118 Refuse Handling, Collection and Disposal. Contractor will perform refuse handling, collection and disposal service between the hours of 8:00 a.m. and 5:00 p.m. three times per week (Monday, Wednesday, and Friday). Refuse shall include garbage, general trash, glass, tin cans, milk cartons, and anything of refuse nature that could accumulate at this Center. Contractor to supply the Center with recommended containers such as Dempster-Dumpmasters. Exact sizes of containers and locations can be obtained by contacting the Center. All solid waste shall be disposed of at a site having a valid certificate issued by the Commonwealth of PA Department of Environmental Protection. Contractor to bid on price per month for complete removal of all refuse three times per week. Award to be made on the basis of the lowest bid.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: July 1, 1996—June 30, 2001
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

040070 Provide and maintain containers and remove rest area refuse at specified intervals at two (2) rest areas on I-81 in Lackawanna and Susquehanna Counties.

Department: Transportation
Location: District 4-0, Lackawanna County 0420, Susquehanna County 0450
Duration: 1-1-97 to 12-31-97
Contact: Martha Spaide, (717) 963-4048

040071 Provide and maintain containers and remove rest area refuse at specified intervals at three (3) rest areas on I-80 and I-81 in Luzerne County.

Department: Transportation
Location: District 4-0, Luzerne County 0430
Duration: 1-1-97 to 12-31-97
Contact: Martha Spaide, (717) 963-4048

Security Services and Equipment—37

Project No. DGS 960-24 Project title: Replacement of Fire and Smoke Detection System. Brief description: remove existing fire alarm devices and wiring. Install new fire alarm and smoke detection system according to codes. Electrical construction. Plans deposit: \$50.00 per set. Payable to: Sturgeon Engineering, 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: Sturgeon Engineering, Inc., 610 Madison Avenue, P. O. Box 865, Grove City, Pennsylvania 16 127-1808, telephone (412) 458-6040. Bid date: Wednesday, May 1, 1996 at 11:00 a.m.

Department: General Services
Location: Soldiers and Sailors Home, Erie, Erie County, PA
Duration: 100 calendar days from date of initial job conference
Contact: Bidding Unit, (717) 787-6556

Project No. 706 Construct 400 SF arms vault to include concrete block walls, vault door, steel security mesh ceiling and installation of four (4) receptacles and light fixtures.

Department: Military and Veterans Affairs
Location: CSMS West, 835 5th Avenue, Coraopolis, Allegheny County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

Project No. 702 Installation of chain link fence.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 1200 Balata Street, Easton, Northampton County, PA
Duration: 1 July 96—30 June 97
Contact: Emma Schroff, (717) 861-8518

282202 Fire alarm and security systems including Master Clock System Services, maintenance, tests, inspections to include: (1) semi-annual inspections and tests of systems and peripheral devices. (2) Labor to maintain systems during normal working hours. (3) Parts—all work will be provided by factory trained and authorized technicians.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301
Duration: July 1, 1996—June 30, 1997
Contact: William Roth, (717) 424-3203

Miscellaneous—39

96-002 The contractor shall provide consultation services to the Department of Corrections on food service management and dietetics and provide a computerized food service management information system.

Department: Corrections
Location: Statewide
Duration: 1—2 years
Contact: Suzanne Malhenzie, (717) 975-4973

19,547 The contractor shall provide Protestant Chaplaincy services for the Spanish-speaking inmates at the State Correctional Institution at Dallas. Services shall be conducted each Wednesday throughout the year from 1:30 p.m. to 3:30 p.m.

Department: Corrections
Location: State Correctional Institution at Dallas, Dallas, PA 18612
Duration: July 1, 1996 to July 1, 1999
Contact: Fred S. Moody, (717) 675-1101

[Pa.B. Doc. No. 96-574. Filed for public inspection April 5, 1996, 9:00 a.m.]

Vehicle, Heavy Equipment and Powered Machinery Services—38

2-0-00227 The Department of Transportation Maintenance Districts within District 0200 will be renting road wideners for use at various locations.

Department: Transportation
Location: Various Locations within District 2-0
Duration: June 1, 1996 to May 31, 1997
Contact: Grover C. Beightol, (814) 765-0492

Inquiry No. 83 Provide for the maintenance and repair of two (2) Case wheel tractors with backhoes and front end loaders, also one (1) Caterpillar diesel front end loader.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103
Duration: July 01, 1996 to June 30, 2000
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1456115-01	03/26/96	Firesafe Products Corp.	54,000.00
1685115-01	03/26/96	Eckert Machine Corp.	104,475.00
1836255-01	03/26/96	Drug Screening Systems, Inc.	140,400.00
1873135-01	03/26/96	Griffin Motors Co.	20,675.00
1904185-01	03/26/96	The Pannier Corp.	80,167.50
1963725-01	03/26/96	Diamond Head Distribution	10,530.00
2102115-01	03/26/96	English-Tanner Enterprises	28,420.00
2118215-01	03/26/96	Sandoz Pharmaceuticals Corporation	113,460.00
2125115-01	03/26/96	Snap-On, Inc.	20,741.25
2145215-01	03/26/96	Chemstat Products, Inc.	7,997.60
2218215-01	03/26/96	Red Line Medical Supply	10,344.00
2223215-01	03/26/96	Ferno-Washington, Inc.	19,200.00
2284215-01	03/26/96	C. M. Eichenlaub Co.	23,158.00

Requisition or Contract #	Awarded On	To	In the Amount Of
2386215-01	03/26/96	J-O-M Pharmaceutical Services	57,736.02
2399215-01	03/26/96	Bellco Drugs Corporation	62,006.30
2419295-01	03/26/96	Fast Print	4,107.00
2426135-01	03/26/96	Beaver Mechanical Contractors, Inc.	24,869.00
2589135-01	03/26/96	H & H Heating and Air Conditioning	10,772.00
4930-01	04/01/96	Hafer Petroleum Equipment, Ltd.	16,754.70
4930-01	04/01/96	Francis Smith & Sons	56,090.14
7313310-01	03/26/96	Goldenrod Graphics	10,710.00
9905-04	04/01/96	3M Co.—TCM Division	18,630.45
9905-04	04/01/96	American Reflective Products	900.00
9905-04	04/01/96	Stimsonite Corporation	28,687.81

GARY E. CROWELL
Secretary

[Pa.B. Doc. No. 96-575. Filed for public inspection April 5, 1996, 9:00 a.m.]

STATEMENTS OF POLICY

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 9]

Approval of Provider Contracting Arrangements Between HMOs and PHOs, POs and IDSs

The Department of Health (Department) adopts the statement of policy at Chapter 9, Subchapter D (relating to PHOs, POs and IDSs—statement of policy) as set forth in Annex A.

The Department has the statutory obligation to review contracts between the health maintenance organizations (HMOs) and hospitals and practitioners which provide medical, dental and related services on behalf of the HMOs. See, section 8 of the Health Maintenance Organization Act (act) (40 P. S. § 1558(a)). Under the Department's former policy, HMOs generally were permitted to contract only directly with hospitals and practitioners on an individual basis. The purpose of this statement of policy is to permit HMOs to contract with various forms of integrated delivery systems (IDSs) including physician-hospital organizations (PHOs) and physician organizations (POs) rather than only directly with hospitals and other practitioners. This statement of policy outlines the relevant provisions which shall be included in contracts between HMOs and IDSs, and clarifies the standards to be used by the Department in reviewing and approving these contracts.

Background

The Department is aware that providers throughout this Commonwealth are organizing themselves into systems which seek to integrate the delivery and financing of health care on the local level, with the ultimate purpose of contracting with HMOs to provide health services to HMO members with various degrees of financial risk transfer and assumption. The Department understands that there are varying motivations for these developments, including, but not necessarily limited to: arguments that cost-effective patient care utilization and quality management can best be provided on the local level by local providers with local decision-making authority; provider interest in increasing their share of the surplus created by the application of sound cost-effective medical management to HMO patients; the potential of simplifying the complexities and administrative burdens involved in direct provider contracting with multiple HMOs and managed care organizations; and the potential of increased efficiency and cost-effectiveness through local provider control of multiple provider and health resources in integrated systems of care.

The generic name given to these efforts is IDSs. A great deal of the activity, however, is being undertaken by hospitals and members of their medical staffs and are called PHOs. Other efforts are being undertaken solely by physicians, and these organizations are known as POs or individual practice associations (IPAs). Some integrated delivery systems are for-profit, others are nonprofit. Most are developed, owned and controlled by providers. Others are for-profit, nonprovider-owned ventures. Some include community involvement and are known as physician-hospital community organizations. Most IDSs seek to

contract with HMOs for the provision of a full range of covered services to HMO enrollees, including ambulatory visits to primary care physicians and specialists, in- and out-patient hospital services, diagnostic testing, and the like. Some IDSs, however, seek to contract for the provision of a restricted range of integrated benefits or services, such as a radiology IDS or cardiology IDS. One type of specialized IDS currently utilized in the HMO industry is the capitated behavioral health managed care organization. These organizations contract with HMOs to provide on a fixed price basis, usually capitation, the full range of required drug and alcohol abuse treatment and mental health treatment services offered in a typical HMO benefit package.

The challenge faced by the Department is to establish guidelines for HMO contracts with IDSs in their various manifestations and structures which provide for adequate oversight to protect consumers against undertreatment or poor quality care but which do not impose excessive or unreasonable regulatory requirements which would thwart their development in this Commonwealth. The Department also notes that recognition of IDSs has the potential of increasing competition and assisting marketplace forces in containing health care costs by making it easier for new HMO applicants to build adequate provider networks simply by contracting with one or more PHOs, POs or IDSs rather than individually with multiple providers.

During the development of IDS standards, the Department considered separate licensing of IDSs, perhaps as risk-assuming preferred provider organizations (PPOs) which are not licensed insurers. It has not adopted this position. In lieu of separate licensure, the Department will protect the public against the threat of undertreatment or poor quality care through the Department's statutory authority to review and approve HMO provider contracts with IDSs and other providers. See, section 8 of the act. The public also will be protected financially through a guideline establishing inclusion within provider contracts of a provision requiring IDSs and IDS participating providers to hold HMO members financially harmless and prohibiting IDS participating providers from billing HMO members for covered services, other than for authorized copayments, even in the event of the insolvency of the IDS, HMO or nonpayment by the IDS or HMO to the participating provider.

This oversight structure is predicated on the premise that most IDSs will be contractors to licensed HMOs. However, IDSs also seek to be contractors to health plans other than HMOs, including risk-assuming PPOs (both risk-assuming PPOs which are licensed insurers, and risk-assuming PPOs which are not licensed insurers, as defined in the joint Insurance and Health Department PPO regulations, 31 Pa. Code Chapter 152 (relating to preferred provider organizations)) and Blue Cross/Blue Shield plans. Likewise, there is interest in and uncertainty regarding the implications of an IDSs receiving a capitation directly from a self-funded employee health benefit plan, including the impact, if any, of the Federal Employee Retirement Income Security Act (ERISA). Because these issues extend beyond the Department's authority over HMO provider contracts which is the basis of this statement of policy, the Department intends to work with the Insurance Department to develop joint health plan-IDS contracting standards. It is the Department's

position that removal of regulatory uncertainty regarding IDS risk-assumption from health plans other than HMOs will advance competition.

The Department has been asked to consider the applicability of these IDS contracting standards to behavioral health providers. Those providers which accept risk in contracts with political subdivisions or other nonlicensed entities are required by statute to be licensed as HMOs or PPOs. Those contracts between behavioral health providers and licensed entities shall meet these IDS contracting standards.

The Department has been approached by potential sponsors of super-PHOs, whereby multiple PHOs came together to form an entity which would contract on behalf of its member PHOs with HMOs. The multiple-layered complex organizations, with responsibility flowing downward from HMOs through the super-PHO to multiple PHOs and ultimately to individual providers, have the potential of losing accountability and responsiveness to consumer needs. While desiring to offer flexibility and support innovation in health service delivery system design, the Department must ensure that specific accountability for quality of care oversight is well defined and that prompt corrective action authority exists on behalf of both the HMO and the Department if quality problems arise. It is essential that these issues are adequately addressed in all levels of provider contracting, and this statement of policy addresses the Department's expectations for all forms of HMO-IDS and IDS-participating provider contracting.

The Department intends to remove any barriers to HMO-IDS contracting by clarifying the applicable rules. Ultimately, however, the extent to which HMOs choose to contract with IDSs will depend upon economic and organizational factors beyond the Department's control.

Insofar as the Department's regulatory authority and interests extend, this statement of policy supersedes an interim policy set forth to the HMO industry in a memo dated January 10, 1995, entitled, "HMOs and Physician Hospital Organizations," signed by the then Insurance Commissioner and Secretary of Health. The Department will accept HMO filings for review and approval of proposed IDS provider contracts immediately upon publication of this statement of policy in the *Pennsylvania Bulletin*.

This statement of policy is issued in conjunction with a companion statement of policy issued by the Insurance Department. Contracts between HMOs and IDSs are subject to scrutiny by both the Department and the Insurance Department. Accordingly, both statements of policy must be consulted to gain a clear understanding of the entire contract review process that is applicable to contracts between HMOs and IDSs.

The Department has attempted to adopt user-friendly procedures for prompt review and approval of HMO-IDS provider contracts. HMO filers specifying their commitment to oversee IDS contractor quality of care and related functions in accordance with the delegation authority standards adopted by the Nationally recognized accreditation organization for managed care plans, the National Committee for Quality Assurance (NCQA), need not submit detailed documentation of oversight plans. However HMOs will be held accountable in the course of Department monitoring for adequate monitoring and oversight of their IDS subcontractors and for prompt identification and corrective action of any quality of care problems. In addition, the Department is adopting a 45-day deemer

provision. If an HMO-IDS provider contract filing is not approved or disapproved within 45 days of date of receipt, it will be deemed approved.

Purpose

The purpose of this statement of policy is to provide guidance to HMOs and IDSs, including PHOs and POs, on the standards the Department will utilize in reviewing and approving proposed provider contracts between HMOs and these entities for the provision of covered services to HMO members.

This statement of policy will expedite the ability of HMOs to contract with IDSs systems. It offers the many provider groups within the Commonwealth, particularly hospital-medical staff-sponsored PHOs and physician-sponsored physician organizations, a method of achieving their goals.

Finally, the statement of policy will promote competition and cost containment by making it easier for new HMO applicants to build acceptable delivery systems needed to satisfy licensing requirements.

Form and Effect

This statement of policy provides guidance regarding the standards to be utilized by the Department in the review and approval of proposed providers contracts between HMOs, IDSs and IDS participating providers for the provision of health care services to HMO members. This statement of policy does not constitute a rule or regulation entitled to the force and effect of law.

Fiscal Impact and Paperwork Requirements

Adoption of this statement of policy removes ambiguity regarding the standards to be applied to contractual relationships between HMOs and IDSs. It further provides a mechanism by which significant developmental and legal funds and resources already expended in this Commonwealth by hospitals and physicians to develop IDSs can be recognized through submission of contract proposals between HMOs and these systems for review and approval by the Department.

Any increased cost in implementing this statement of policy should be outweighed by the overall cost savings that should be realized by consumers in their health care costs. HMOs and IDSs will require less time to research the Department's standards prior to developing and submitting specific proposed contracts for review and approval. Since this statement of policy, unlike earlier preliminary proposals calling for licensure of certain full-risk assuming IDSs, does not require a separate license of an IDS assuming financial risk from an HMO, significant funds will not need to be expended in preparation of licensure applications.

Further Information

Persons desiring more information regarding this statement of policy should contact Frank Clark, Acting Director, Bureau of Health Care Financing, P. O. Box 90, Room 1030, Harrisburg, PA 17108, (717) 787-5193 or Thomas J. Chepel, C.L.U., C.P.C.U., Director of the Bureau's Division of Health Care Plans.

Effective Date

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

DANIEL F. HOFFMAN,
Acting Secretary

(Editor's Note: For a related statement of policy of the Insurance Department, see 26 Pa.B. 1636 (April 6, 1996).)

(Editor's Note: The regulations of the Department of Health, 28 Pa. Code Chapter 9, are amended by adding a statement of policy at §§ 9.401—9.416 to read as set forth in Annex A.)

Fiscal Note: 10-141. (1) General Fund; (2) Implementing Year 1996-97 is \$ minimal; (3) 1st Succeeding Year 1997-98 is \$ minimal; 2nd Succeeding Year 1998-99 is \$ minimal; 3rd Succeeding Year 1999-00 is \$ minimal; 4th Succeeding Year 2000-01 is \$ minimal; 5th Succeeding Year 2001-02 is \$ minimal; (4) Fiscal Year 1995-96 \$12,415,000; Fiscal Year 1994-95 \$12,313,000; Fiscal Year 1993-94 \$11,048,000; (7) General Government Operations; (8) recommends adoption. The increased costs to review additional HMO-IDS provider contracts is expected to be minor and can be achieved with existing staff resources.

Annex A

TITLE 28. HEALTH AND SAFETY

PART I. GENERAL HEALTH

CHAPTER 9. MANAGED CARE ORGANIZATIONS

Subchapter D. PHOs, POs AND IDSs—STATEMENT OF POLICY

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§ 9.401. Applicability and purpose.

(a) This subchapter provides information to HMOs, providers, POs and IDSs concerning how the Department proposes to exercise its authority under the HMO Act and related acts to review, approve and monitor the establishment of provider contracts between HMOs and IDSs. The information will enable delivery systems and HMOs to negotiate to establish provider contracts in a manner likely to be found acceptable by the Department. This subchapter expresses the present intentions of the Department with respect to review and approval of provider contracts between and among HMOs, IDSs and providers participating in the systems.

(b) This subchapter should be reviewed by persons who undertake to establish, operate and maintain an IDS whose primary purpose is to contract with one or more HMOs for the provision of health care services to HMO members. These persons should also consult the Insurance Department's statement of policy on this subject at 31 Pa. Code Chapter 301, Subchapter I (relating to contractual arrangements between HMOs and IDSs—statement of policy).

§ 9.402. Definitions.

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

Contract—An arrangement between an HMO and a provider, organization or group of providers under which the providers:

(i) Agree to provide or arrange to provide a defined set of health care services to HMO members.

(ii) May agree to assume responsibility for conduct of the quality assurance, utilization review, credentialing, provider relations or claims management or related functions.

(iii) Is reimbursed either directly on a fee-for-service basis or through a financial risk arrangement.

Department—The Department of Health of the Commonwealth.

HMO—Health Maintenance Organization—An organized system which combines the delivery and financing of health care and which provides basic health services to voluntarily enrolled members for a fixed prepaid fee.

HMO Act—The Health Maintenance Organization Act (40 P. S. §§ 1551—1567).

IDS—Integrated Delivery System—A partnership, association, corporation or other legal entity which enters into contractual arrangements with an HMO; employs or has contracts with providers (participating providers) and agrees under its arrangements with an HMO, to provide or arrange for the provision of a defined set of health care services to HMO members covered under an HMO benefits contract principally through its participating providers, assumes under the arrangements some responsibility for conduct, in conjunction with the HMO and under compliance monitoring of the HMO, of quality assurance, utilization review, credentialing, provider relations or related functions, may perform claims processing and other functions, and which assumes to some extent, through capitation reimbursement or other risk-sharing arrangements, the financial risk for provision of the services to HMO members.

LS-IDS—Limited service integrated delivery system—An IDS which contracts with an HMO for a limited or restricted range of health care services, including pharmacy, dental, cardiology, radiology or behavioral health, even though the limited or restricted services may include inpatient, outpatient, diagnostic testing, treatment and facility charge coverage for limited services being provided.

PHO—Physician-hospital organization—An IDS jointly owned and controlled by a hospital and a physician.

PO—Physician organization—An IDS primarily owned and controlled by physicians, including a model whereby physicians are the primary shareholders of the IDS. A PO may assume financial risk and contractual responsibility from an HMO to provide hospital and other nonphysician services by contracting with hospitals and other providers which may not be members of the PO, or it may assume financial risk only for the professional component of an HMO benefit package and share in surplus or deficits relating to targeted hospitals and other health services utilization. POs also may contract with other physician POs or multispecialty practices and need not have provider contracts with nonphysician providers in order to share risk with an HMO by assuming liability for part or all of a budget shortfall.

Physician-hospital-community organization—An IDS typically not-for-profit, governed by a board that includes physicians, hospital representatives and community members, including, consumers, business representatives and government representatives that may engage in community health assessment or other community benefit activities beyond contracting to provide health services.

Provider—Any “health care facility” or “health care provider” as those terms are defined under section 802(a) of the Health Care Facilities Act (35 P. S. § 448.802); a mental health facility licensed by the Department of Public Welfare; or an individual licensed by the Commonwealth to practice any profession involved in the healing arts. The term includes hospitals, mental health treatment facilities, drug and alcohol treatment facilities, physicians, dentists, podiatrists, psychologists, nurses, physician assistants, certified registered nurse practitioners, physical therapists, chiropractors, optometrists and pharmacists.

S-PHO—Super physician-hospital organization—A partnership, association, corporation or other legal entity created by two or more PHOs for the purpose of entering into provider contracts with HMOs collectively on behalf of the participating PHOs and of the providers participating in each of the participating PHOs.

S-PO—Super-physician organization—A partnership, association, corporation or other legal entity created by two or more POs for the purpose of entering into provider contracts with HMOs collectively on behalf of the participating POs and of the providers participating in each of the participating POs.

§ 9.403. Licensure requirements.

An HMO may contract with one or more IDSs under contractual arrangements which have been reviewed and approved by the Department and which meet the following standards:

(1) The HMO may contract with an IDS for the provision of care by IDS participating providers to HMO members. Any contract between an HMO and an IDS shall be incorporated by reference in all contracts between the IDS and providers with which the IDS contracts to provide services to HMO members, and shall be provided by the IDS to each of its participating providers upon request. Both the contract between the HMO and the IDS and the contract between the IDS and participating providers, shall include consumer hold-harmless language acceptable to the Department.

(2) An HMO may contract with an IDS for the performance of quality assurance, utilization review and credentialing of those providers who will provide services to the HMO's members, so long as the utilization management, quality assurance and credentialing standards are submitted by the HMO and approved in advance by the Department and the implementation is subject to periodic review and compliance verification by the HMO, the Department and other external agencies. The standards shall be considered those of the HMO.

(3) An HMO may delegate primary care “gatekeeping” functions to an IDS, and an IDS may delegate the functions to its providers. The IDS may utilize primary care physician “gatekeepers” if the HMO has an acceptable plan of quality of care oversight to ensure that the IDS and its participating providers do not provide inadequate or poor quality care arising out of its reimbursement incentives.

(4) An HMO and IDS may utilize capitation and other financial reimbursement arrangements agreed to in the

contracts between the HMO and IDS and between the IDS and its participating providers, as incentives for appropriate and cost-effective utilization of services.

(5) The IDS may arrange for its providers to assume financial risk from an HMO in the form of a fixed capitation fee, which does not vary by actual utilization of services, or percentage of premium arrangement without first receiving a separate license as an insurance company, risk-assuming PPO which is not a licensed insurer, HMO or otherwise. An IDS, likewise, may arrange for its providers to participate only in bonus payment systems based on favorable utilization or to limit provider risk to an amount withheld from provider reimbursement and distributed back to providers only if utilization or budget targets are met.

§ 9.404. Financial protection of HMO members served through IDSs.

To maximize protection of those HMO members who may be served through IDS and IDS participating providers from the adverse impact of an IDS's inability to pay its participating providers or the providers balance billing members for HMO covered services, the Department will not approve a provider contract between an HMO and IDS unless:

(1) The HMO-IDS contract and IDS participating provider contracts contain member financial hold harmless provisions acceptable to the Department which would prevent the IDS and IDS participating providers from billing HMO members for covered services (other than for authorized copayments, coinsurance or deductibles) under any circumstances, including the insolvency of the HMO or the IDS. (See § 9.407(a)(1) (relating to minimum compliance provisions which should be contained in an IDS-participating provider or compliance amendment) as well as the Insurance Department's statement of policy regarding HMO-IDS contracts at 31 Pa. Code § 301.311(c) (relating to annual and quarterly filings)).

(2) Provision of HMO covered services to HMO members are not delayed, reduced, denied or otherwise hindered because of the financial or contractual relationship between the HMO and IDS, and the HMO-IDS contract protects the HMO's members from being billed by providers, whether or not participating, by the IDS.

(3) The HMO-IDS contract contains a provision requiring the IDS and its participating providers to comply with data reporting requirements, including encounter, utilization and reimbursement methodology required by the Department. The Department's purpose in reviewing provider reimbursement methodology is to identify reimbursement methods which may lead to inadequate or poor quality care and to ensure that the HMO and IDS have adequate systems to monitor quality of care and prevent undertreatment and that reimbursement methodologies are not so inadequate so as to result in undertreatment or poor quality care. The Department reserves the right to require submission of actual rates of payment in those instances in which the information is necessary in its judgment, to diagnose and correct quality of care problems relating to reimbursement incentives or inadequate reimbursement levels or to investigate consumer or provider grievances alleging quality of care deficiencies arising out of reimbursement methods or levels of payment.

§ 9.405. Review and approval of HMO-IDS provider contracts.

For an HMO-IDS provider contract to be found acceptable and approved by the Department and not required to be renegotiated under section 8(a) of the HMO Act (40

P. S. § 1558(a) the contract shall contain the following or substantially similar provisions:

(1) The IDS acknowledges and agrees that only those IDS participating providers who meet the HMO's credentialing and provider contracting standards may participate in the HMO and provide services to HMO members, and that the ultimate authority to accept IDS providers for participation or to terminate participation is retained by the HMO.

(2) The IDS acknowledges and agrees that the HMO is required to establish, operate and maintain a health service delivery system, quality assurance system, provider credentialing system, member grievance system and other systems meeting Department standards, and is directly accountable to the Department for compliance with the standards and for the provision of high-quality, cost-effective care to HMO members. Nothing in the HMO-IDS agreement be construed to in any way limit the HMO's authority or responsibility to meet standards or to take prompt corrective action to address a quality of care problem, resolve a member grievance or to comply with a regulatory requirement of the Department.

(3) The IDS agrees to provide the HMO and Department with access to medical and other records concerning the provision of services to HMO members by and through the IDS and its participating providers.

(4) The IDS agrees to collect and provide the HMO with utilization, financial and other data for the purposes of comparative performance analysis of HMO and IDS effectiveness.

(5) The IDS agrees that any delegation of authority or responsibility for provider credentialing and relations, quality assessment, utilization review and other functions by the HMO to IDS shall be subject to performance monitoring by the HMO and Department and is subject to independent validation by the HMO, the Department or an independent quality review/assessment organization approved by the Department.

§ 9.406. Review and approval of IDS-participating provider contracts.

(a) *Review of contract by Department.* In addition to the HMO-IDS contract, the provider contracts between the IDS and its participating providers which enable the IDS to provide care to HMO members shall be submitted for review and approval of the Department.

(b) *Methods of contracting.*

(1) Several methods of IDS-participating provider contracting are acceptable to the Department as follows:

(i) Each IDS-participating provider may enter into the HMO's standard provider agreement approved by the Department, which shall include an amendment or rider which reflects any special terms or conditions relating to the HMO-IDS agreement. The standard provider agreement with the amendment or rider should be signed by the HMO, the participating provider and the IDS. The amendment or rider should be filed by the HMO for review and approval of the Department.

(ii) The IDS may utilize a contract between itself and its participating providers, if the IDS-participating provider contract incorporates by reference the agreements between the IDS and each HMO with which it contracts, which HMO-IDS agreements shall be provided, upon request, prior to the effective date, to each IDS participating provider. The financial amounts in the HMO-IDS agreements may be redacted from the copies of the

agreements the IDS shall provide to its participating providers. Unique terms or conditions relating to each HMO-IDS arrangement may be reflected in an amendment or rider to the IDS-participating provider contract. The IDS-participating provider contract, any amendment to the contract and a list of providers who have entered into the contract shall be filed by the HMO for review and approval of the Department.

(2) Whichever compliance method is utilized, the compliance provisions specified in § 9.407 (relating to minimum compliance provisions which should be contained in an IDS-participating provider or compliance amendment) should be included.

(c) *Signatures required.* The HMO-IDS-participating provider contract or compliance amendment shall contain three signatures representing the HMO, IDS and participating provider. If the standard IDS-participating provider contract grants signature authority to the IDS to enter into provider contracts on behalf of participating providers, it will not be necessary for each participating provider to sign the amendment or rider.

§ 9.407. Minimum compliance provisions which should be contained in an IDS-participating provider or compliance amendment.

For the Department to accept and approve a participating provider contract between an IDS and a participating provider applicable to provision of services to HMO members and not require renegotiation of the contract under section 8(a) of the HMO Act (40 P. S. § 1558(a)), each IDS-participating provider contract or compliance amendment shall contain provisions substantially similar to the following:

(1) Provider agrees that in no event, including, but not limited to, nonpayment by the HMO or IDS, the insolvency of HMO or IDS, or breach of this agreement, shall provider bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against member/enrollee or persons other than HMO or IDS acting on their behalf for services listed in this agreement. This provision shall not prohibit collection of supplemental charges or copayments on HMO's behalf made in accordance with terms of the contract between HMO and member/enrollee.

Provider further agrees that (1) the hold harmless provision shall survive the termination of the (applicable provider contract) regardless of the cause giving rise to termination and shall be construed to be for the benefit of the HMO member/enrollee and that (2) this hold harmless provision supersedes any oral or written contrary agreement now existing or hereafter entered into between provider and member/enrollee or persons acting on their behalf.

No modification, addition or deletion to the provisions of this section shall become effective without the specific prior written approval of the Department of Health.

(2) Provider acknowledges and agrees that nothing in the agreement shall be construed to limit: (a) the authority of the HMO to ensure provider participation in and compliance with HMO's quality assurance, utilization management, member grievance and other systems and procedures; (b) the Department of Health's authority to monitor the effectiveness of HMO's systems and procedures or the extent to which the HMO adequately monitors any function delegated to IDS, or to require the HMO to take prompt corrective action regarding quality of care or consumer grievances and complaints; (c) HMO's

authority to sanction or terminate a provider found to be providing inadequate or poor quality care or failing to comply with HMO systems, standards or procedures as agreed to by the IDS. Provider agrees to participate in and abide by the decisions of the HMO's quality assurance, utilization management and member grievance systems.

(3) Provider agrees to cooperate with and provide HMO, the Department of Health, and any external quality review organization approved by the Department of Health, with access to member medical records for the purposes of quality assessment and quality improvement or investigation of member complaints or grievances. Provider further agrees to provide such information, including but not limited to encounter, utilization, referral and other data, that the IDS may require to be submitted to it for compliance with its own data reporting requirements or as required by the Department of Health.

(4) Provider acknowledges and agrees that in order to participate in the HMO he, she or it must meet the minimum credentialing standards established by the HMO as approved by the Department of Health and that the HMO retains sole authority to accept, reject or terminate an IDS provider who fails to meet such standards on a continuing basis.

(5) Provider acknowledges and agrees that any delegation by HMO to IDS under the HMO-IDS contract for performance of quality assurance, utilization management, credentialing, provider relations and other medical management systems, shall be subject to the HMO's oversight and monitoring of IDS performance. Provider further acknowledges and agrees that HMO, upon failure of IDS to properly implement and administer such systems or to take prompt corrective action after identifying quality, member satisfaction or other problems, may terminate its contract with IDS and that, as a result of such termination, provider's participation in the HMO may also be terminated.

(6) Provider acknowledges and agrees that, if in the judgment of HMO, the IDS provider has failed to cooperate with HMO in the provision of cost-effective, quality services to HMO members, or has failed to cooperate with and abide by the provisions of the HMO's quality assurance, utilization management or member grievance systems, or is found to be harming HMO patients, the HMO may terminate provider's participation in HMO.

§ 9.408. Delegation of medical management authority by an HMO to an IDS.

(a) For the Department to approve a provider contract between an HMO and an IDS, under which the HMO will delegate responsibility to the IDS for performance of provider credentialing, quality assurance, utilization management or other essential HMO functions, the HMO should submit with the request for review and approval, an IDS "monitoring plan," which should include, at the minimum, each of the following:

(1) A clear definition of the quality assurance, utilization management and credentialing standards to be utilized and applied by the IDS to HMO members.

(2) A description of how the HMO will monitor the effectiveness of any quality assurance activities delegated to the IDS, including at least the following:

(i) Periodic reporting by the IDS quality assurance committee to the HMO.

(ii) Review and approval by the HMO of the IDS quality assurance committee's annual work plans and objectives.

(iii) Integration into the ISD's quality assurance system of the standards approved by the Department and the Department's periodically required external quality reviews by approved external quality review organizations.

(iv) A plan for random sample re-review and validation of the results of quality assurance studies, credentialing, utilization management decisions, and similar activities undertaken by the IDS on behalf of the HMO.

(v) HMO input into design of methodology of focused medical record reviews undertaken by the IDS to measure and improve quality of care being provided to HMO members by IDS participating providers.

(vi) A description of the relationship between respective authorities of the HMO's medical director and quality assurance/utilization review staff and the IDS's medical director and quality assurance/utilization review staff.

(b) Alternatively, in recognition of the managed care industry's wide acceptance of the National standards developed by the National Committee for Quality Assurance (NCQA) in conjunction with its voluntary accreditation program, in lieu of submission of the monitoring plan specified in subsection (a), the filing HMO need only certify in its submission letter its covenant to comply with NCQA managed care organization contractor delegation standards.

(c) The effectiveness of an HMO's monitoring of the quality of care and other performance of an IDS, including, if applicable, compliance with NCQA contractor delegation standards, and of the IDS's actual provision of quality health care to HMO members shall be periodically reviewed by the Department through required submission and review of written reports, IDS quality assurance work plans submitted to the HMO, onsite visits to and inspections of the HMO and IDS, periodic external quality assessment of the HMO, and, if applicable, periodic external quality assessment of the IDS.

(d) If the Department determines, through periodic review, external quality assessment by an approved external quality review organization, or otherwise that an HMO is deficient in its monitoring of delegated responsibilities to an IDS, the Department may require the HMO to file, receive approval of and implement an appropriate "corrective action plan."

§ 9.409. Delegation of member grievance system responsibility to an IDS.

(a) An HMO may not delegate responsibility for HMO member grievance system operation or resolution to an IDS contractor. The HMO shall apply its Department-approved grievance system uniformly to all members, including those members being served through an IDS contractor.

(b) One or more representatives of the IDS, with no prior involvement in the grievance under consideration, may serve as members of the first or second level grievance review committees established by the HMO to hear the grievances of members served by the IDS. (See § 9.73 (relating to subscriber grievance system).)

§ 9.410. Contents of an HMO filing for review and approval of an IDS provider contract.

(a) An HMO requesting approval of a standard generic form IDS contract to be utilized in contracting with one or more IDSs shall submit a filing to the Department requesting approval and containing the following elements:

(1) A cover letter including:

(i) Indication, by page and section number reference, where in the HMO-IDS generic contract and in the IDS-participating provider contract, the requested compliance provisions of §§ 9.405 and 9.407 (relating to review and approval of HMO-IDS provider contracts; and minimum compliance provisions which should be contained in an IDS-participating provider or compliance amendment) are found.

(ii) A certification that the HMO will monitor delegation of medical management responsibilities to the IDS by complying with National Committee for Quality Assurance (NCQA) delegation standards or has included a "monitoring plan" as described in § 9.408 (relating to delegation of medical management authority by an HMO to an IDS).

(iii) A brief description of the reimbursement methodologies to be utilized by the HMO in reimbursing the IDS, and the reimbursement methodologies to be utilized by the IDS, in turn, to reimburse its participating provider.

(2) A copy of the proposed standard generic provider contract between the HMO and IDS, containing the provisions requested in § 9.405.

(3) A copy of the standard generic form of all provider contracts, including, compliance amendments/riders between the IDS and its participating providers, containing the provisions requested in § 9.407.

(4) A copy of the HMO's medical management delegation monitoring plan, in accordance with § 9.408, if the HMO is unwilling or unable to commit to utilization of NCQA delegation standards.

(b) In those cases in which the HMO is contracting with an IDS utilizing its own participating provider contracts rather than generic IDS-participating provider contracts developed by the HMO, the HMO shall include copies of the specified IDS's generic provider contracts in the filing, identify by name, address and telephone number the IDS, and include a list of the IDS's participating providers.

(c) In those cases in which the HMO is utilizing individually negotiated and unique HMO-IDS contracts rather than a generic form contract, these IDS-specific contracts shall be submitted and the cover letter shall identify by name, address and telephone number the IDS and include a list of the IDS's participating providers. If so filled, these case-specific HMO-IDS contracts may delete confidential payment rates otherwise included therein.

(d) In those cases in which the HMO enters into a standard form generic HMO-IDS contract, utilizing a previously filed and approved contract form, the HMO need only file with the Department a brief "Notice and Certification" notifying the Department that the HMO has entered into a contract with a particular IDS, identifying the IDS by name, address, telephone number and contact person, including a list of IDS participating providers, and certifying that it has used whatever generic contract that has been previously approved. If the HMO-IDS contract is generic, but the HMO-IDS participating provider contracts are not, the "Notice and Certification" letter also should include generic copies of the IDS-participating provider contracts and an identification, by page and section number, of the compliance provisions specified in § 9.407.

(e) A filing will be deemed "approved" by the Department if it is not specifically disapproved within 45 days of its receipt by the Department.

§ 9.411. Special products filings.

(a) If the HMO intends to market a special product at a special premium to HMO members willing to limit their utilization to a particular IDS's participating provider network, the HMO shall make an appropriate filing for prior review and approval of the Department. The filing shall address the capacity of the IDS participating provider network to provide adequate, accessible and available health care to members enrolling in the special product.

(b) If, as a result of an IDS contract, the HMO intends to expand its service area, it shall submit an appropriate service area expansion request.

§ 9.412. Super-PHOs.

(a) An HMO seeking review and approval of provider contracts with a super-PHO shall submit each layer of provider contracts between each level of subcontracting providers and HMO and ensure that all provider contracts meet the standards in this subchapter.

(b) HMOs seeking review and approval of provider contracts with super-PHOs should carefully explain in their application any intended delegation of quality assurance, utilization management, provider credentialing and related functions through the various layers of the super-PHO.

§ 9.413. Provider-patient complaint systems.

HMOs are encouraged to create a fundamentally fair provider grievance system, whereby a provider dissatisfied with a precertification or utilization management decision of an HMO, or who desires to advocate for approval of a particular treatment, treatment plan or referral on behalf of a patient may do so without fear of reprisal from the HMO.

§ 9.414. External quality review of an IDS.

An IDS which voluntarily undergoes an external quality review by an external quality review organization approved by the Department, may receive consideration of the review in fulfilling its quality assurance oversight obligations and the obligations of one or more HMOs with which it may contract, if the following apply:

(1) The arrangement is approved prior to implementation by one or more of its contracting HMOs and the Department.

(2) The results of the external quality review are shared with the HMO and the Department.

(3) Actual conduct of the external review, including scheduling thereof, is coordinated with the Department.

(4) Department staff have the opportunity to participate in the external quality review of the IDS.

§ 9.415. HMO-IDS filing requirement.

HMO-IDS contracts in force on April 6, 1996, should be filed with the Department, but all reimbursement levels or rates of payment may be deleted as being confidential.

§ 9.416. IDS contracts with political subdivisions.

IDS contracts with political subdivisions shall contain the provisions outlined in this subchapter unless the IDS is licensed as an HMO or risk-assuming preferred provider organization.

[Pa.B. Doc. No. 96-576. Filed for public inspection April 5, 1996, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 301]

Contractual Arrangements between HMOs and IDSs

This statement of policy is adopted under the authority of the Health Maintenance Organization Act (HMO Act) (40 P. S. §§ 1551—1568). Specifically, the Insurance Commissioner's authority with respect to contracts entered into by Health Maintenance Organizations (HMOs) is set forth at section 8(b) of the HMO Act (40 P. S. § 1558(b)).

Introduction

The Insurance Department (Department) hereby adopts amendments to Chapter 301 (relating to health maintenance organizations) that appear in Annex A, regarding the contractual arrangements between HMOs and entities generally referred to as Integrated Delivery Systems (IDSs). This statement of policy sets forth guidelines regarding, and the procedures for reporting, contractual arrangements between HMOs and risk-bearing IDSs and suggests safeguards to be adhered to by HMOs to protect their members against the threat posed by financially troubled or insolvent IDSs. It also clarifies when an IDS is not required to be licensed as an HMO.

Applicability

This statement of policy applies to HMOs that elect to contract with risk-bearing IDSs. Accordingly, when an HMO contracts with an IDS, so that the IDS will assume risk and perform other functions as indicated in section 8(b) of the HMO Act, in addition to the delivery of health care services, the HMO will file its IDS contracts with the Department. For purposes of this statement of policy, IDSs include physician-hospital organizations, physician organizations, physician-hospital-community organizations and super physician-hospital organizations.

This statement of policy supersedes the industry notice jointly issued by the Department and the Department of Health on January 10, 1995.

Background

Various entities throughout this Commonwealth are at present organizing themselves into systems which integrate the financing and delivery of health care. The ultimate purpose of these entities, referred to as IDSs, is to contract with HMOs to perform a variety of functions on behalf of HMOs, when varying degrees of financial risk are assumed by the IDSs. With the passage of time, as these entities develop in sophistication and complexity, increased risk may be assumed by the IDSs in order to acquire an additional portion of potential profits.

The Department is charged with protecting HMO members and the general public against the potential threat posed by financially troubled or insolvent HMOs. The Department's regulation of HMOs involves the oversight of various aspects of HMO business including HMO contractual relationships with IDSs. The Department believes that the public interest will be served by providing guidance to HMOs with respect to their risk-sharing practices with IDSs.

Purpose and Effect

The guidelines in this statement of policy are designed to assist HMOs in implementing prudent business practices and in identifying and addressing issues which might lead to an IDS insolvency which could negatively impact the financial integrity of the HMO.

This statement of policy outlines the guidelines the Department intends to use to determine whether an HMO's delegation of responsibilities to an IDS may have the potential to result in harm to the financial condition of the HMO. Further, the statement of policy establishes safeguards for the financial protection of HMO members served through IDS contracts, and sets forth preferred reporting procedures for HMOs that contract with one or more risk-bearing IDSs.

This statement of policy provides guidance only, and does not constitute a rule or regulation entitled to the force and effect of law.

Companion Statement of Policy

This statement of policy is issued in conjunction with a companion statement of policy issued by the Department of Health. HMOs are subject to regulation by both the Department of Health and the Department. Accordingly, both statements of policy must be consulted to gain a clear understanding of the processes that are applicable to contracts between HMOs and IDSs.

Fiscal Impact and Paperwork Requirements

Adoption of this statement of policy may result in additional cost and paperwork to the Commonwealth, HMOs and IDSs. Additional costs and paperwork should be outweighed by overall cost savings to consumers in the form of lower health care costs resulting from: (1) separate licensure not being required for the vast majority of IDSs; and (2) lower legal and consulting costs for HMOs and IDSs through the clear articulation of guidelines and procedures.

Contact Person

Questions relating to this statement of policy may be directed to Kenneth B. Allen, Director, Bureau of Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

Effective Date/Sunshine Date

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned. However, the Department intends to review this statement of policy in 180 days to ascertain whether adjustments in this statement of policy are appropriate. (*Editor's Note:* The regulations of the Insurance Department are amended by adding a statement of policy at 31 Pa. Code §§ 301.101—301.303, 301.311—301.314 and 301.321 to read as set forth in Annex A.)

LINDA S. KAISER,
Insurance Commissioner

(*Editor's Note:* For a related statement of policy, see 26 Pa.B. 1629 (April 6, 1996).)

Fiscal Note: 11-139. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART X. HEALTH MAINTENANCE ORGANIZATIONS

CHAPTER 301. HEALTH MAINTENANCE ORGANIZATIONS

Subchapter I. CONTRACTUAL ARRANGEMENTS BETWEEN HMOs AND IDSs—STATEMENT OF POLICY

GENERAL PROVISIONS

Sec.

- 301.301. Definitions.
 301.302. Applicability and purpose.
 301.303. Certificate of authority.

CONTRACT FILINGS AND OTHER REPORTING

- 301.311. Annual and quarterly filings.
 301.312. Initial contract filing.
 301.313. Filings upon contract changes.
 301.314. Department review.

DEPARTMENT EXAMINATIONS

- 301.321. Department examinations of HMOs.

GENERAL PROVISIONS

§ 301.301. Definitions.

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

Contract—An arrangement between an HMO and a risk-bearing IDS, whereby the IDS is obligated to perform marketing, enrollment, administrative or similar functions. Administrative functions do not include quality assurance, utilization review, credentialing, provider relations or related functions.

Examination Law—Sections 901—1013 of The Insurance Company Law of 1921 (40 P. S. §§ 323.1—324.13).

HMO—Health Maintenance Organization—An organized system which combines the delivery and financing of health care and the provision of basic health services to voluntarily enrolled members for a fixed prepaid fee, and is required to obtain a certificate of authority in accordance with applicable statutes and regulations (See sections 4 and 5.1 of the act (40 P. S. §§ 1554 and 1555.1) and §§ 301.41 and 301.42 (relating to prohibition against uncertified HMOs, and content of application for certificate of authority)).

IDS—Integrated Delivery System—A partnership, association, corporation or other legal entity which enters into a contractual arrangement with an HMO; employs or has contracts with providers (participating providers); and agrees under its arrangements with an HMO, to provide or arrange for the provision of a defined set of health care services to HMO members covered under an HMO benefits contract principally through its participating providers, assumes under the arrangements some responsibility for conduct, in conjunction with the HMO and under compliance monitoring of the HMO, of quality assurance, utilization review, credentialing, provider relations, or related functions, may perform claims processing and other functions and which assumes to some extent, through capitation reimbursement or other risk-sharing arrangements, the financial risk for provision of these services to HMO members.

Provider—A “health care facility” or “health care provider” as those terms are defined under section 802(a) of the Health Care Facilities Act (35 P. S. § 448.802(a)), a mental health facility licensed by the Department of

Public Welfare, or an individual licensed by the Commonwealth to practice a profession involved in the healing arts. The term includes hospitals, mental health treatment facilities, drug and alcohol treatment facilities, physicians, dentists, podiatrists, psychologists, nurses, physician assistants, certified registered nurse practitioners, physical therapists, chiropractors, optometrists and pharmacists.

Risk—The possibility of financial loss associated with contracts to perform a defined set of health care services for a predetermined portion of premium dollars.

§ 301.302. Applicability and purpose.

(a) This subchapter applies to HMOs which enter into contracts with risk-bearing IDSs.

(b) This subchapter provides guidance to HMOs desiring to enter into contracts with risk-bearing IDSs for the performance of a defined set of health care services. This subchapter suggests safeguards to be adhered to by HMOs to protect HMO members against the threat posed by financially troubled or insolvent IDSs.

(c) This subchapter is not applicable to HMOs that enter into agreements with persons or entities other than IDSs for the performance of claims processing, administrative services, marketing, enrollment and other related functions.

§ 301.303. Certificate of authority.

(a) HMOs are required to obtain a certificate of authority issued jointly by the Department and the Department of Health in accordance with applicable statutes and regulations. See sections 4 and 5.1 of the act (40 P. S. §§ 1554 and 1555.1) and §§ 301.41 and 301.42 (relating to prohibition against uncertified HMOs; and content of application for certificate of authority).

(b) Under the act, persons or entities are acting as an HMO and are obligated to obtain a certificate of authority if the person or entity directly or through arrangements with others does the following:

- (1) Solicits or enrolls members in a plan that will deliver prepaid basic health services.
- (2) Delivers prepaid basic health services to those members.

(c) If a person or entity is delivering prepaid basic health services to HMO members, but not soliciting or enrolling members in a plan, that person or entity is not required to obtain a certificate of authority. If the person or entity is delivering prepaid basic health services and performing administrative services or other similar functions, but not soliciting or enrolling HMO members, that person or entity is not required to obtain a certificate of authority.

CONTRACT FILINGS AND OTHER REPORTING

§ 301.311. Annual and quarterly filings.

(a) HMOs are obligated to file annual financial statements with the Commissioner, and other reports upon the Department's request, under section 11 of the act (40 P. S. § 1561).

(b) It has been the Department's practice to require the filing of quarterly financial statements by HMOs, under the authority contained in section 11 of the act.

(c) Under this authority, the Commissioner will require that HMOs which enter into contracts with IDSs, file a written report at the same time as the filing of the

HMO's annual financial statement in a form which will be available from the Department.

§ 301.312. Initial contract filing.

(a) An HMO shall file with the Department any contract entered into with an IDS under which the IDS will assume risk and perform other functions as indicated in section 8(b) of the act (40 P. S. § 1558(b)).

(b) Under this authority, the Commissioner will require that when an HMO initially enters into a contract with an IDS, the HMO shall file the contract with the Department not later than the filing of the next quarterly or annual financial statement, whichever occurs first, following the effective date of the contract, together with a written report in a form which will be available from the Department.

(c) If no quarterly financial statement is required by the Department, the Department requests that contracts with an IDS, together with a written report, be filed within 45 days of the effective date of the contract.

(d) Initial contract filings may be submitted with any additional information that may be appropriate for the Department's review, such as a cover letter describing the following:

(1) The extent to which functions are transferred to the IDS and the extent and type of services which will be provided by the IDS.

(2) The relationship between the IDS and the participating providers, and the manner in which services will be delivered by participating providers.

(3) The identities of IDS subcontractors.

(4) The reimbursement methodology, and a copy of security arrangements relating thereto, between the HMO and IDS.

§ 301.313. Filings upon contract changes.

(a) If a contract filed under § 301.312(a) (relating to initial contract filing) is amended, the HMO shall file the amended contract with the Department not later than the filing of the next quarterly or annual financial statement, whichever occurs first, following the effective date of the amendment.

(b) Upon filing with the Department of an applicable amended HMO contract with an IDS, the Department requests that the HMO submit a written report in a form which will be available from the Department.

(c) If no quarterly financial statement is required by the Department, the Department requests that the applicable amended contract, together with the written report, be filed within 45 days of the effective date of the amendment.

(d) Amended contract filings may be submitted with additional information that may be appropriate for the Department's review.

§ 301.314. Department review.

(a) The Department may review the HMO materials filed, to examine the transference of risk and other matters that may affect the financial condition of the HMO.

(b) In evaluating the financial condition of an HMO, the Department will ascertain whether one or more of the following are present in an IDS contract:

(1) An appropriate provision similar to the hold harmless provision described in § 301.122 (relating to hold

harmless), prohibiting the IDS and participating providers from billing HMO members.

(2) A provision for the maintenance of books, accounts and records by the IDS to assure that transactions, including the risk transfer, are clearly, accurately and completely disclosed.

(3) Appropriate terms permitting the HMO to assure itself of the financial viability and condition of the IDS throughout the term of the contract. These terms might include one or more of the following:

(i) A provision authorizing the HMO to access the IDS's books, accounts and records upon terms and conditions as the HMO and the IDS may agree.

(ii) A provision requiring that the IDS secure an audited financial statement on at least an annual basis and that the HMO receive the audited statement on an annual basis and interim unaudited financial statements from the IDS on a regular and ongoing basis.

(iii) A provision authorizing the HMO to receive information regarding the IDS's reserves so that the HMO may adequately evaluate its reserves.

(iv) A provision for the IDS to post a letter of credit or other acceptable financial security, in a reasonable amount as agreed upon between the HMO and IDS.

(v) A provision establishing a withholding of the fee in a reasonable amount as agreed upon between the HMO and IDS and which may be returned to the IDS under the terms of the contract.

(vi) A provision for the IDS to carry general liability insurance and for participating providers to carry professional liability insurance in an amount and from a carrier mutually acceptable to the HMO and the IDS.

(vii) A provision for the IDS to secure a surety bond to cover the IDS's performance under the contract.

(viii) A provision for the IDS to secure excess of loss insurance in an amount and from a carrier mutually acceptable to the HMO and the IDS.

(4) A provision prohibiting the assignment of any rights or obligations under the contract in the absence of the consent of the HMO.

(5) A provision granting the HMO the right to be advised of, and the right to object to, any subcontractor of the IDS with respect to services required to be performed by the IDS under the contract with the HMO.

(6) Appropriate provisions for the termination of the contract, including consideration of whether the HMO has the right to immediately terminate the contract upon a valid order issued by the Commissioner or other lawful authority.

(7) A provision setting forth the circumstances under which the HMO may institute an appropriate financial monitoring plan of the IDS.

(8) A provision requiring that the IDS carry appropriate insurance coverage, such as fidelity bonds covering IDS employees who handle HMO funds and workers' compensation insurance.

(9) A provision requiring that the IDS timely advise the HMO of relevant matters that may have a material effect on the IDS's ability to perform under the contract, including, for example, the following:

(i) Whether the IDS or a participating provider is subject to an administrative order, cease and desist order, fine or license suspension.

(ii) Whether legal action has been taken which may have a material effect on the IDS's financial condition or the IDS's ability to perform under the contract.

(c) The Department may seek additional information if one or more of the following exist:

(1) A contract by which 50% or more of the HMO's annual aggregate premium is transferred to a single IDS.

(2) Multiple contracts by which 75% or more of the HMO's annual aggregate premium is transferred to one or more IDSs.

(3) A contract with an IDS that has control of the HMO. The Department presumes that control exists if an individual or entity, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 10% or more of the voting securities of any other entity.

(4) A contract by which the claims processing, claims payment or claims adjudication functions are transferred to the IDS.

(5) A contract by which managerial control of the HMO's information system is transferred to the IDS.

(6) A contract when the HMO employs an individual who is also employed by the IDS.

(7) A contract when there is overlap between the officers or directors of the IDS and the HMO.

(8) A contract that contains a provision which might be

construed as impeding or limiting the Department's authority to examine the books, accounts and records of the HMO and other persons under section 903(b) and (c) of The Insurance Department Act of 1921 (40 P. S. § 323.3(b) and (c)).

DEPARTMENT EXAMINATIONS

§ 301.321. Department examinations of HMOs.

(a) The Department is authorized to conduct financial examinations of HMOs under section 901 of The Insurance Department Act of 1921 (40 P. S. § 323.1).

(b) In its periodic financial examinations and other financial analyses of HMOs, the Department will continue to hold HMOs ultimately responsible for the liabilities arising under its subscriber agreements, regardless of whether the HMO has elected to contract with one or more IDSs to perform or arrange for the performance of services to HMO members.

(c) HMOs that contract with IDSs shall ensure that the HMOs remain able to meet their statutory financial reporting requirements, and otherwise comply with Department requests for information under section 11 of the act (40 P. S. § 1561) and section 903(a) of The Insurance Department Act of 1921 (40 P. S. § 323.1(a)).

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