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# PENNSYLVANIA BULLETIN

Volume 26

Number 15

Saturday, April 13, 1996 • Harrisburg, Pa.

Pages 1667—1794

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Department of General Services  
Department of Health  
Department of Labor and Industry  
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Philadelphia Regional Port Authority  
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Turnpike Commission

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

**No. 257, April 1996**

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**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

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# THE GENERAL ASSEMBLY

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

The following is a summary of recent actions of the General Assembly during the 1996 Regular and Special Sessions.

### 1996 ACTS—Acts 11 through 17 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1996-11	Mar. 21	SB37	PN1729	60 days	Crimes Code (18 Pa.C.S.)—omnibus amendments
1996-12	Mar. 21	SB712	PN1747	Immediately*	Military Affairs (51 Pa.C.S.)—omnibus amendments
1996-13	Mar. 29	SB399	PN1773	Immediately	Game and Wildlife Code (34 Pa.C.S.)—omnibus amendments
1996-14	Mar. 29	HB1973	PN2430	Immediately	Local Government Unit Debt Act—authorization to pledge proceeds of certain bonds or notes
1996-15	Mar. 29	HB1578	PN3187	Immediately	Hepatitis B Prevention Act—enactment
1996-16	Mar. 29	SB708	PN1824	Immediately	Public School Code of 1949—granting tenure to professional employes, causes for terminating professional contracts and rating professional employes
1996-17	Mar. 29	HB1927	PN3270	Immediately*	Judiciary and Judicial Procedure (42 Pa.C.S.)—detention of children in jails and other offenses

\*with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

### Legislative Bills and Documents

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

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

CARL MEASE,  
*Acting Director*

[Pa.B. Doc. No. 96-578. Filed for public inspection April 12, 1996, 9:00 a.m.]

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

#### New Rules of Judicial Conduct

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

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#### CHAPTER 1. GENERAL PROVISIONS

#### IN GENERAL

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102.	Definitions.
103.	Scope of Rules; Amendments, Publication.
104.	Rules of Construction.
105.	Organization; Seal.
106.	Proceedings before the Court Generally.
107.	Seniority of Judges.
108.	Immunity.
109.	Right to Counsel.
110.	Entry of Appearance.
111.	Clerk of the Court.

#### Rule 101. Title and Citation of Rules.

These rules shall be known as the Court of Judicial Discipline Rules of Procedure and may be cited as "C.J.D.R.P. No. \_\_\_\_."

Adopted November 1, 1994, effective January 1, 1995.

#### Rule 102. Definitions.

The following words and phrases when used in these rules shall have the following meanings, unless the context or subject matter otherwise requires:

*Board* is the Judicial Conduct Board.

*Board Complaint* is the formal charging document filed by the Board to initiate proceedings in the Court pursuant to Article V, § 18(b)(5) of the Pennsylvania Constitution.

*Charges* are the formal charges contained in the Board Complaint filed with the Court by the Board alleging that a judicial officer has been convicted of a felony, violated Article V, § 17 of the Pennsylvania Constitution, engaged in misconduct in office, neglected or failed to perform the duties of office or engaged in conduct which prejudiced the proper administration of justice or brought the judicial office into disrepute, violated a canon of legal or judicial ethics or standards of conduct or a rule of the Supreme Court, or that the judicial officer is mentally or physically disabled.

*Clerk* is the person appointed by the Court to serve as Clerk of the Court.

*Conference Judge* is a Court member appointed by the President Judge following the filing of a Board Complaint, to preside at the pre-trial conference, to rule on the omnibus motion, and, during a panel hearing, to make evidentiary rulings. A Conference Judge may also be appointed by the President Judge to rule on preliminary motions in proceedings other than those initiated by the filing of a Board Complaint.

*Court* is the Court of Judicial Discipline. Unless the context clearly indicates otherwise, the term shall include a panel.

*Full Court* is at least a quorum of the Court.

*Judicial Officer* includes district justices, judges of the Philadelphia Municipal and Traffic Courts, judges of the Pittsburgh Magistrates Court, judges of the courts of common pleas, the Commonwealth Court, and the Superior Court, justices of the Supreme Court and senior judges or district justices of any court.

*Majority* is a majority of the members of the Court qualified to vote.

*Panel* is a group of three members of the Court appointed by the President Judge to act on behalf of the Court, one of whom is a member of the bar of the Supreme Court of Pennsylvania and one of whom is a non-lawyer elector.

*Petition for Relief* is a document filed pursuant to these Rules to initiate proceedings other than formal charges in the Court.

*President Judge* is a member of the Court elected by the Court to act as the President Judge.

*Quorum* is five members of the Court.

*Verification* is a written statement of fact by the signer, supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification of authorities.

**Official Note:** This rule is derived from former interim Rule 1.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

#### Rule 103. Scope of Rules; Amendments; Publication.

(A) These rules shall govern the conduct of all proceedings before the Court.

(B) The rules may only be amended by the affirmative vote of a majority of the Court, after notice of the proposed amendment to the members of the Court.

(C) Upon adoption, these rules and any amendments shall be available for public inspection and shall be forwarded to:

(1) The Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and

(2) West Publishing Company for publication in the *Pennsylvania Reporter*.

**Official Note:** This rule is derived from former interim Rule 2.

Adopted March 16, 1994, effective March 16, 1994. Amended November 1, 1994, effective January 1, 1995.

#### Rule 104. Rules of Construction.

Chapter 19 of Title 1 of the *Pennsylvania Consolidated Statutes* so far as not inconsistent with any express provision of these rules, shall be applicable to the interpretation of these rules and all amendments hereto to the same extent as if these rules were enactments of the General Assembly.

**Official Note:** This rule is derived from former interim Rule 1(B).

Adopted March 16, 1994, effective March 16, 1994.  
Amended May 31, 1994, effective May 31, 1994.

**Rule 105. Organization; Seal.**

(A) At the first meeting of the Court, and annually thereafter, the Court shall elect from its membership a President Judge. If the President Judge is temporarily unable to perform his or her duties, these duties shall be performed by the next senior member of the Court who is able to perform these duties.

(B) The President Judge shall annually establish a calendar specifying the dates for meeting of the Court. When necessary, other dates for meetings may be set as the need arises.

(C) Hearings and trials shall be held at the seat of government unless the Court provides otherwise.

(D) The Court shall have a seal.

(1) The seal shall contain the words "Court of Judicial Discipline" on the upper circle and the word "Pennsylvania" on the lower arc circling arms similar to those appearing on the state seal.

(2) The Clerk shall be the custodian of the seal and is authorized to affix it to such documents as may be appropriate.

**Official Note:** This rule is derived from former interim Rule 3.

Adopted March 16, 1994, effective March 16, 1994.  
Amended May 31, 1994, effective May 31, 1994.

**Rule 106. Proceedings before the Court Generally.**

(A) The President Judge, each member of the Court, the Clerk, and any person otherwise authorized by law shall have the power to administer an oath or affirmation.

(B) All testimony presented to the Court shall be taken under oath or affirmation.

(C) The Court may address unprofessional conduct and other breaches of order as permitted by law.

(D) Whenever the full Court takes action, a majority of members of the Court qualified to vote shall be required.

**Official Note:** This rule is derived from former interim Rule 4.

Adopted March 16, 1994, effective March 16, 1994.  
Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

**Rule 107. Seniority of Judges.**

(A) The seniority of the members of the Court shall be computed from the dates of the members' appointments to the Court.

(B) Should any two members be appointed to the Court at the same time, at the first meeting of the Court after their appointment, they shall cast lots for seniority. A record of the determination shall be maintained by the Clerk.

**Official Note:** This rule is derived from former interim Rule 6.

Adopted March 16, 1994, effective March 16, 1994.  
Amended May 31, 1994, effective May 31, 1994.

**Rule 108. Immunity.**

Members of the Court and the Court's staff shall be absolutely immune from suit for all conduct in the course of their official duties, and no civil action or disciplinary

compliant predicated on testimony before the Court may be maintained against any witness or counsel.

**Official Note:** This rule is derived from former interim Rule 8.

Adopted March 16, 1994, effective March 16, 1994.

**Rule 109. Right to Counsel.**

The Judicial Officer shall be entitled to retain counsel and to have the assistance of such counsel at every stage of these proceedings.

**Official Note:** This rule is derived from former interim Rule 9.

Adopted March 16, 1994, effective March 16, 1994.

**Rule 110. Entry of Appearance.**

(A) Counsel for a Judicial Officer shall file an entry of appearance with the Clerk of the Court and shall serve a copy of the entry on the Board Counsel.

(B) The entry of appearance shall include counsel's name, address, phone number, and Pennsylvania Supreme Court Identification Number. Admission Pro Hoc Vice shall be in accordance with the Pennsylvania Bar Admission Rules.

**Official Note:** This rule is derived from former interim Rule 10.

Adopted March 16, 1994, effective March 16, 1994.  
Amended May 31, 1994, effective May 31, 1994.

**Rule 111. Clerk of the Court.**

(A) The Clerk shall be the custodian of the records and docket of the Court, which shall be preserved.

(B) The Clerk is empowered to perform those duties ordinarily performed by a clerk of a court of record and such other duties as the Court may assign.

**Official Note:** This rule is derived from former interim Rule 11.

Adopted March 16, 1994, effective March 16, 1994.  
Amended May 31, 1994, effective May 31, 1994.

**DOCUMENTS GENERALLY**

<b>Rule</b>	
121.	Filing; Docketing.
122.	Service.
123.	Return of Service.
124.	Subpoenas.
125.	Designation of Officials for Execution of Bench Warrants of Arrest.
126.	Continuances.

**Rule 121. Filing; Docketing.**

(A) Papers required or permitted to be filed with the Court shall be filed:

(1) with the Clerk; or

(2) by mail addressed to the Clerk, but filing by mail shall be timely only when received by the Clerk within the time fixed for filing.

(B) Whenever these rules require service, the filing shall include a verification that the service requirements have been met.

(C) Unless otherwise ordered by the Court, or as otherwise provided by these rules, a filing shall consist of the original and 10 copies.

(D) The Clerk shall stamp all documents filed with the Court to reflect the date and time of filing and shall record such information in the docket.

(E) The Clerk shall distribute copies of all filings as the Court shall direct.

**Official Note:** This rule is derived from former interim Rule 12.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

**Rule 122. Service.**

(A) When service is required under these rules, service shall be made concurrently with filing.

(B) Service may be accomplished by:

(1) personal delivery of a copy to a party or a party's attorney; or

(2) sending a copy to a party by overnight, certified, or registered mail addressed to the party's place of residence or business.

**Official Note:** This rule is derived from former interim Rule 13.

Adopted March 16, 1994, effective March 16, 1994.

**Rule 123. Return of Service.**

(A) When service of original process has been made, the person making service shall make a return of service forthwith. If service has not been made, a return of no service shall be made.

(B) A return of service shall set forth the date, time, place and manner of service, the identity of the person served and any other facts necessary for the Court to determine whether proper service has been made.

(C) Return of service or no service by mail under Rule 122(B)(2) shall include a return receipt.

(D) The return of service or no service shall be filed with the Clerk.

Adopted November 1, 1994, effective January 1, 1995.

**Rule 124. Subpoenas.**

(A) The Court may compel by subpoena the attendance of witnesses and the production of books, papers, documents, and other physical evidence at a deposition, hearing or trial held pursuant to these rules.

(B) Upon the request of a party, the Clerk shall issue a subpoena under the seal of the Court, signed by the Clerk but otherwise blank, substantially in the form prescribed by Pa.R.C.P. No. 234.6 or Pa.R.C.P. No. 234.8.

(C) Subpoenas shall be served as provided in Rule 122.

(D) If a witness fails to comply with a subpoena, the court may issue a bench warrant and if the failure to comply is willful may adjudge the witness to be in contempt.

**Official Note:** This rule is derived from former interim Rule 14.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

**Rule 125. Designation of Officials for Execution of Bench Warrants of Arrest.**

By order in a particular case, the Court may designate the Pennsylvania State Police or the Sheriff of Dauphin County as the official agency for the execution of a bench warrant of arrest. The Sheriff of Dauphin County may act either directly, within Dauphin County, or by deputizing sheriffs of other counties.

Adopted November 1, 1994, effective January 1, 1995.

**Rule 126. Continuances.**

A request for a continuance shall be made by filing an original motion and one copy with the Clerk, and serving a copy of the motion on the opposing party. The motion shall be decided by the Conference Judge, who may grant the motion, but only for exceptional cause shown.

**Official Note:** This rule is derived from former interim Rule 15.

Adopted March 16, 1994, effective March 16, 1994. Amended November 1, 1994, effective January 1, 1995.

**CHAPTER 2. DECISIONS**

**Rule**

201. Reporting of opinions; Publication.  
202. Citing of Opinions of Other Courts.

**Rule 201. Reporting of Opinions; Publication.**

Official reported opinions of the Court are published by the West Publishing Company, *Atlantic Reporter*.

Adopted November 1, 1994, effective January 1, 1995.

**Rule 202. Citing of Opinions of Other Courts.**

Reported opinions of the Supreme Court, Superior Court and Commonwealth Court may be cited as binding precedent on Pennsylvania law. Reported opinions of the courts of common pleas, federal courts and courts of other jurisdictions may be cited for their persuasive value. Unreported opinions of other courts shall not be cited in any brief of argument addressed to the Court. The Court may, however, upon request of a party, take judicial notice of unreported opinions of other courts involving facts or parties relevant to the matter before the Court.

Adopted November 1, 1994, effective January 1, 1995.

**ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES**

**CHAPTER 3. INITIATION OF FORMAL CHARGES**

**Rule**

301. Initiating Formal Charges; Scheduling.  
302. Contents of Board Complaint.  
303. Board Complaints; Amendment and Consolidation.

**Rule 301. Initiating Formal Charges; Scheduling.**

(A) *Board Complaint.* Proceedings in the Court shall be commenced by the filing of a Board Complaint with the Clerk and concurrent service of the Board Complaint on the Judicial Officer.

(B) *Appointment of Conference Judge.* Within 10 days after a Board Complaint is filed pursuant to paragraph (A), the President Judge shall appoint a member of the Court to serve as Conference Judge on the case as provided in these rules.

(C) *Scheduling.* After a Board Complaint is filed, the Conference Judge shall promptly schedule a date for the trial and pre-trial conference, and shall notify the Board and the Judicial Officer.

**Official Note:** This rule is derived from former interim Rule 16.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

**Rule 302. Contents of Board Complaint.**

(A) For each charge against the Judicial Officer, the Board Complaint shall:

(1) state in plain and specific language the nature of the charge;

(2) specify the allegations of fact upon which the charge is based.

(B) The Board Complaint shall give notice to the Judicial Officer of the time period within which the Judicial Officer must file an omnibus motion pursuant to Rule 411.

(C) The Board Complaint shall be signed and verified by counsel for the Board.

**Official Note:** This rule is derived from former interim Rule 17.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

### **Rule 303. Board Complaints; Amendment and Consolidation.**

(A) *Amendments.* Upon motion of the Board, the Conference Judge may, in his or her discretion, permit substantive amendments to a Board Complaint with the written consent of the Judicial Officer or after a hearing on the motion in open court.

(B) *Consolidation.*

(1) Upon motion of the Board or the Judicial Officer, the Conference Judge may, for purposes of the trial, consolidate some or all of the charges against a Judicial Officer contained in separate Board Complaints filed pursuant to Rule 301(A).

(2) The Conference Judge may, on his or her own motion, and after notice to the Judicial Officer and the Board, consolidate two or more Board Complaints against an individual Judicial Officer for purposes of imposing sanctions pursuant to Rule 504.

**Official Note:** This rule is derived from former interim Rule 18.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

## **CHAPTER 4. PRE-TRIAL PROCEEDINGS DISCOVERY**

### **Rule**

401.	Discovery Generally.
402.	Depositions.
403.	Resolution of Disputes.
404.	Continuing Duty to Disclose.
405.	Remedy.

### **Rule 401. Discovery Generally.**

(A) All discovery shall be completed within 60 days from the filing of the Board Complaint, unless extended by the Conference Judge for good cause shown.

(B) Any challenges or objections raised during discovery shall be resolved at the pre-trial conference.

(C) The Conference Judge shall, before the pre-trial conference, set a date for the exchange of the names and addresses of all witnesses whom the parties intend to call at the trial.

(D) *Other Evidence.* The Board and the Judicial Officer shall exchange:

(1) Non-privileged evidence relevant to the charges contained in the Board Complaint, documents to be presented at the trial and statements of witnesses who will be called to testify; and

(2) Other material, in the Conference Judge's discretion, upon cause shown.

(E) *Disclosure by the Board.* Upon filing of the Board Complaint, the Board shall provide the Judicial Officer with any exculpatory evidence relevant to the charges contained in the Board Complaint.

**Official Note:** This rule is derived from former interim Rule 19.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

### **Rule 402. Depositions.**

Upon Motion of the Judicial Officer or the Board, after notice and hearing, the Conference Judge may order the deposition of any person, when due to exceptional circumstances, the interests of justice require that the person's testimony be preserved.

**Official Note:** This rule is derived from former interim Rule 19(B).

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994.

### **Rule 403. Resolution of Disputes.**

Disputes concerning discovery shall be determined by the Conference Judge. Decisions concerning discovery shall not constitute a final Order for purposes of appeal.

**Official Note:** This rule is derived from former interim Rule 19(C).

Adopted March 16, 1994, effective March 16, 1994.

### **Rule 404. Continuing Duty to Disclose.**

The Board and the Judicial Officer have a continuing duty to supplement information required to be exchanged or disclosed under Rule 401 until the trial is concluded and the record is closed.

**Official Note:** This rule is derived from former interim Rule 19(D).

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

### **Rule 405. Remedy.**

If at any time during the course of the proceedings it is brought to the attention of the Conference Judge that a party has failed to comply with Rules 401 through 404 relating to discovery, the Conference Judge may order compliance, grant a continuance, prohibit the party from introducing the evidence not disclosed, other than testimony of the Judicial Officer, or the Conference Judge may enter any other order as is just.

**Official Note:** This rule is derived from former interim Rule 19(G).

Adopted March 16, 1994, effective March 16, 1994. Amended November 1, 1994, effective January 1, 1995.

## **OMNIBUS MOTION FOR RELIEF; REPLY; ANSWER**

### **Rule**

411.	Omnibus Motion.
412.	Reply.
413.	Answer.
414.	Disposition of Omnibus Motion.

### **Rule 411. Omnibus Motion.**

(A) All motions, challenges, and applications or requests for an order or relief on behalf of the Judicial Officer shall be consolidated in one written motion, except

as otherwise provided in these rules, or as permitted by the Conference Judge. The omnibus motion shall be filed no later than 30 days from the filing of the Board Complaint, and shall be served on the Board.

(B) The motion shall state with particularity the grounds for the motion, the facts that support each ground, and the type of relief or order requested. The motion shall be divided into consecutively numbered paragraphs, each containing only one material allegation as far as practicable.

(C) If the motion sets forth facts that do not already appear of record, it shall be verified by the Judicial Officer subject to the penalties for unsworn falsification to authorities under the Crimes Code, 18 Pa.C.S. § 4904.

(D) The Judicial Officer may challenge the validity of the charges on any legal ground including:

- (1) that the facts charged do not constitute misconduct;
- (2) that the Board or the Court is without jurisdiction;
- (3) that the Board violated the procedures governing it; or
- (4) that the charges do not provide sufficient notice of the allegations to be defended against.

(E) The failure, in any motion, to request a type of relief or order, or to state a ground therefor, may constitute a waiver of such relief, order, or ground.

**Official Note:** This rule is derived from former interim Rule 20(A).

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994.

#### **Rule 412. Reply.**

(A) Within 10 days of the filing of the omnibus motion, the Board shall file a reply.

(B) The reply shall be divided into consecutively numbered paragraphs corresponding to the numbered paragraphs of the motion. The reply shall meet the allegations of the motion.

(C) If the reply sets forth facts that do not already appear of record, it shall be verified by Counsel for the Board subject to the penalties for unsworn falsification to authorities under the Crimes Code, 18 Pa.C.S. § 4904.

(D) Failure to file a reply as required by this rule shall constitute an admission of the facts alleged in the omnibus motion.

**Official Note:** This rule is derived from former interim Rule 20(B).

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994.

#### **Rule 413. Answer.**

Within 30 days after the filing of a Board Complaint, if no omnibus motion is filed, or within 20 days after the dismissal of all or part of the omnibus motion, the Judicial Officer may file an answer admitting or denying the allegations contained in the Board Complaint. Failure to file an answer shall be deemed a denial of all factual allegations contained in the Board Complaint. Unless otherwise ordered by the Court, no additional pleading will be accepted.

**Official Note:** This rule is derived from former interim Rule 20(C).

Adopted May 31, 1994, effective May 31, 1994.

#### **Rule 414. Disposition of Omnibus Motion.**

(A) The Conference Judge may schedule hearing or argument on the motion, as is appropriate, and shall rule upon the motion. The Conference Judge may defer any ruling, as necessary, to be decided by the Court before the time of the pre-trial conference.

(B) No ruling on the motion shall constitute a final order for the purpose of appeal.

(C) A decision which dismisses a charge or terminates the case shall be reviewed and voted upon by the full Court. A majority vote shall be required to sustain such a decision.

**Official Note:** This rule is derived from former interim Rule 21.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

#### **PRE-TRIAL CONFERENCE**

##### **Rule**

421. Pre-Trial Conference.

#### **Rule 421. Pre-Trial Conference.**

(A) At the Pre-Trial Conference the following administrative matters shall be considered:

- (1) clarification of the issues;
- (2) amendments to the pleadings;
- (3) stipulations and agreements to admit documents or other physical evidence;
- (4) limitations on the number of expert and character witnesses;
- (5) any disputes concerning discovery not previously resolved; and
- (6) any other matters which may aid in the prompt disposition of the matter.

(B) The Pre-Trial Conference shall be conducted by the Conference Judge, and shall be attended by counsel for the Board, counsel of record for the Judicial Officer, if any, and the Judicial Officer.

(C) Where the Judicial Officer is represented by counsel, the Judicial Officer may file with the Clerk a waiver of his or her presence at the Pre-Trial Conference. The waiver shall include a statement authorizing the Judicial Officer's counsel to act on the Judicial Officer's behalf as to all matters considered at the Pre-Trial Conference.

(D) At the conclusion of the Pre-Trial Conference, the Conference Judge shall on the record enter an order stating the agreements and objections made by the parties, and rulings made by the Conference Judge on any matter considered during the Pre-Trial Conference. The order shall control subsequent proceedings before the Court on the record, unless modified by the Court or a panel of the Court on the record. The parties shall have the right to note, on the record, objections to the Order of the Conference Judge.

**Official Note:** This rule is derived from former interim Rule 22.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.



## CHAPTER 5. TRIAL PROCEDURES

<b>Rule</b>	
501.	Appointment of Panel.
502.	Trial.
503.	Post-Trial Proceedings.
504.	Sanctions
505.	Appellate Review.

**Rule 501. Appointment of Panel.**

(A) The President Judge may appoint a Panel which shall be authorized to act on behalf of the Court. The Panel shall conduct the trial on the Board Complaint.

(B) The Panel shall consist of no fewer than three members of the Court, at least one of whom shall be a non-lawyer elector, and one of whom shall be the Conference Judge appointed pursuant to Rule 301(B).

**Official Note:** This rule is derived from former interim Rule 24.

Adopted March 16, 1994, effective March 16, 1994. Amended November 1, 1994, effective January 1, 1995.

**Rule 502. Trial.**

(A) The trial shall be held before the Court and shall be open to the public.

**(B) Conduct of Trial.**

(1) All testimony shall be under oath.

(2) The Board and the Judicial Officer shall be permitted to present evidence and examine and cross-examine witnesses. The Judicial Officer may, but shall not be required to, testify.

(3) At the conclusion of the trial, the Board and the Judicial Officer may, at the request of the Court, present oral argument and shall submit proposed findings of fact and conclusions of law.

(4) The trial shall be recorded verbatim. Requests and orders for transcripts shall be governed by Pa.R.J.A. 5000.5. Any party requesting notes of testimony shall bear the cost of transcription. If the notes of testimony are transcribed, it shall be the duty of the court reporter to file the original transcript with the Clerk.

(C) Any witness shall have the right to be represented by counsel, but the witness' counsel shall not participate in the trial except by permission of the Court.

**Official Note:** This rule is derived from former interim Rule 25.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995; amended May 23, 1995, effective May 23, 1995.

**Rule 503. Post-Trial Proceedings.**

(A) *Findings of Fact and Conclusions of Law.* Following the trial, the Court shall file its findings of fact and conclusions of law which shall be served on the Board and the Judicial Officer.

**(B) Objections.**

(1) The Board and the Judicial Officer may elect to file written objections which shall include the basis for the objections to the Court's findings and conclusions.

(2) Any objections shall be filed with the Court within 10 days of the entry of the findings and conclusions. A copy of the objections shall be served upon the opposing party. The President Judge may for cause shown extend the time for filing objections.

(3) The Court may permit the Judicial Officer and the Board to present oral argument on any objections filed.

**(C) Disposition of Objections.**

(1) Findings of fact and conclusions of law shall become final:

(a) When no objections have been filed within the applicable time period; or

(b) When objections have been timely filed and the Court, either with or without oral argument, has ruled on the objections.

(2) In any case where objections have been filed, the Court shall enter an order disposing of the objections by affirming, modifying or vacating the findings and conclusions of law.

**Official Note:** This rule is derived from former interim Rule 26.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994.

**Rule 504. Sanctions.**

(A) After findings of fact and conclusions of law become final pursuant to Rule 503, the Court shall hold a hearing in open court on the issue of sanctions.

(B) Following the sanction hearing, the Court shall enter a decision in writing containing the final findings of fact and conclusions of law and the sanction imposed. This decision shall constitute a final order of discipline pursuant to Article V, § 18 of the Pennsylvania Constitution.

**Official Note:** This rule is derived from former interim Rule 27.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994; amended November 1, 1994, effective January 1, 1995.

**Rule 505. Appellate Review.**

Appellate review shall be governed pursuant to Rules promulgated by the Supreme Court.

**Official Note:** This rule is derived from former interim Rule 28.

Adopted March 16, 1994, effective March 16, 1994. Amended May 31, 1994, effective May 31, 1994.

## ARTICLE III. OTHER PROCEEDINGS

## CHAPTER 6. MENTAL OR PHYSICAL DISABILITY

<b>Rule</b>	
601.	Mental or Physical Disability.

**Rule 601. Mental or Physical Disability.**

Whenever a Board Complaint alleges that a Judicial Officer is physically or mentally disabled, or whenever, after the filing of a Board Complaint, an issue is raised concerning a Judicial Officer's physical or mental disability, the Court may take one or more of the following actions:

(A) The Court may appoint a lawyer to represent the Judicial Officer if the Judicial Officer is without representation.

(B) Upon the Court's own motion or upon motion of the Board or counsel for the Judicial Officer, the Court may order a physical, psychiatric, or psychological examination of the Judicial Officer. The Court may appoint one or more professionals to examine the Judicial Officer and prepare a report. A copy of the Report shall be given to the Judicial Officer. The Judicial Officer's unexplained

failure to submit to a physical, psychiatric, or psychological examination required by the Court may be considered as evidence of physical or mental disability.

(C) If, after hearing, the Court determines that the Judicial Officer's physical or mental disability renders him or her unable to defend against the Board Complaint, the Court may defer any further proceedings until the Court determines, after hearing, that the Judicial Officer is able to defend against the Board Complaint. The Court may also enter an order transferring the Judicial Officer to judicial inactive status.

(D) If the Board Complaint includes a certified copy of another court's order declaring the Judicial Officer incompetent, or involuntarily committing a Judicial Officer, the Court shall enter an order immediately transferring the Judicial Officer to judicial inactive status. The Court shall serve a copy of the transfer order upon the Judicial Officer, any guardian, and the director of any institution to which the Judicial Officer may be committed.

(E) The Judicial Officer transferred to inactive status pursuant to this rule must file a petition with the Court requesting permission to resume active status.

**Official Note:** This rule is derived from former interim Rule 29.

Adopted March 16, 1994, effective March 16, 1994.  
Amended May 31, 1994, effective May 31, 1994.

#### CHAPTER 7. OTHER RELIEF

<b>Rule</b>	
701.	Other Relief Generally.
702.	Contents of Petition.
703.	Answer.
704.	Verification.
705.	Preliminary Motions.
706.	Hearing or Argument.

##### **Rule 701. Other Relief Generally.**

Whenever the Board or a Judicial Officer seeks relief on grounds other than the filing of formal charges pursuant to Article V, § 18(b)(5) of the Pennsylvania Constitution, it shall be initiated by a Petition for Relief as provided in this Chapter.

**Official Note:** This rule is derived from former interim Rule 30.

Adopted May 31, 1994, effective May 31, 1994.  
Amended November 1, 1994, effective January 1, 1995.

##### **Rule 702. Contents of Petition.**

A Petition for Relief filed with the Court shall state with particularity the grounds on which it is based, and shall set forth the order or relief sought. A copy of the petition shall be served on the opposing party concurrently with the filing of the petition. A petition may be made in the alternative and pray for such alternative relief as may be appropriate. A request for more than one type of relief may be combined in the same petition. The petition shall state whether an evidentiary hearing or oral argument before the Court is requested.

**Official Note:** This rule is derived from former interim Rule 30(A).

Adopted May 31, 1994, effective May 31, 1994;  
amended November 1, 1994, effective January 1, 1995.

##### **Rule 703. Answer.**

Any party may file an answer to the petition within 14 days after service of the petition unless the Court shortens or lengthens the time for answering such petition.

**Official Note:** This rule is derived from former interim Rule 30(B).

Adopted May 31, 1994, effective May 31, 1994.

##### **Rule 704. Verification.**

A petition or answer which sets forth facts which do not already appear of record shall be verified by some person having knowledge of the facts.

**Official Note:** This rule is derived from former interim Rule 30(C).

Adopted May 31, 1994, effective May 31, 1994.

##### **Rule 705. Preliminary Motions.**

(A) Preliminary motions in a matter other than one commenced by the filing of formal charges may be decided by a Conference Judge appointed by the President Judge for that purpose. The Conference Judge may schedule a hearing or argument on the motion, as is appropriate, or may defer any ruling to be decided by the Court. No ruling on a preliminary motion shall constitute a final order for the purpose of appeal.

(B) A decision by the Conference Judge which has the effect of terminating a proceeding based on a Petition for Relief shall be reviewed by the full Court. A majority vote shall be required to sustain such a decision.

Adopted November 1, 1994, effective January 1, 1995.

##### **Rule 706. Hearing or Argument.**

The Court may schedule argument or an evidentiary hearing on the petition.

**Official Note:** This rule is derived from former interim Rule 30(D).

Adopted May 31, 1994, effective May 31, 1995.

#### CHAPTER 8. EMERGENCY RELIEF

<b>Rule</b>	
801.	Emergency Relief.

##### **Rule 801. Emergency Relief.**

(A) The Court may issue an interim order granting suspension prior to notice or a hearing. In determining whether to issue an interim order granting suspension and whether notice or hearing should be required, the Court may act on the basis of averments of the pleadings and such other evidence as the Court may require.

(B) An interim order granting suspension issued without notice or hearing shall expire unless a hearing on the continuance of the order is held within 10 days after the granting of the order or within such other time as the parties may agree or as the Court upon cause shown shall direct.

(C) After a hearing, the Court may dissolve, continue or modify the interim order of suspension.

(D) Any party may move at any time to dissolve or modify an order granted under this Rule.

**Official Note:** This rule is derived from former interim Rule 31.

Adopted May 31, 1994, effective May 31, 1994.

[Pa.B. Doc. No. 96-579. Filed for public inspection April 12, 1996, 9:00 a.m.]

# Title 234—RULES OF CRIMINAL PROCEDURE

## PART I. GENERAL

[234 PA. CODE CHS. 1, 100, 1100, 1400, 4000 AND 6000]

**Order Rescinding Chapter 4000 of the Rules of Criminal Procedure; Adopting New Rules of Criminal Procedure Governing Bail; Amending Rules 3, 140, 143, 179, 1405, 1410, 6003 and 6011; and Revising the Rule 1100 Comment; Doc. No. 2**

### Amendatory Order

*Per Curiam:*

Now, this 29th day of March, 1996, at the request of the Judicial Computer Project of the Administrative Office of Pennsylvania Courts to allow additional time for incorporation of these rule changes into the Administrative Office of Pennsylvania Courts Statewide District Justice Automation System;

*It is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that the effective date of Order No. 200 be extended from April 1, 1996 to July 1, 1996.

This Amendatory Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective immediately.

### CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### Rule 3. Definitions.

\* \* \* \* \*

*Official Note:* Previous rule adopted June 30, 1964, effective January 1, 1965, suspended effective May 1, 1970; present rule adopted January 31, 1970, effective May 1, 1970; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; amended June 30, 1977, effective September 1, 1977; amended January 4, 1979, effective January 9, 1979; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended August 12, 1993, effective September 1, 1993; amended February 27, 1995, effective July 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

### CHAPTER 100. PROCEDURE IN COURT CASES

#### Rule 140. Preliminary Arraignment

\* \* \* \* \*

*Official Note:* Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996

effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

#### Rule 143. Disposition of Case at Preliminary Hearing.

\* \* \* \* \*

*Official Note:* Original Rule 123, adopted June 30, 1964, effective January 1, 1965 suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

#### Rule 179. Hearing Manner of Proceeding.

\* \* \* \* \*

*Official Note:* Approved May 24, 1972, effective immediately; amended April 10, 1989, effective July 1, 1989; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

### CHAPTER 1100. TRIAL

#### Rule 1100. Prompt Trial.

\* \* \* \* \*

*Official Note:* Adopted June 8, 1973, effective prospectively as set forth in paragraphs (a)(1) and (a)(2) of this rule; paragraph (e) amended December 9, 1974, effective immediately; paragraph (e) re-amended June 28, 1976, effective July 1, 1976; amended October 22, 1981, effective January 1, 1982. (The amendment to paragraph (c)(3)(ii) excluding defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982.) Amended December 31, 1987, effective immediately; amended and effective September 30, 1988; amended September 3, 1993, effective January 1, 1994; Comments revised September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

### CHAPTER 1400. SENTENCING

#### Rule 1405. Procedure at Time of Sentencing.

\* \* \* \* \*

*Official Note:* Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date

extended to April 1, 1996. **Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 1410. Post-Sentence Procedures; Appeal.**

\* \* \* \* \*

*Official Note:* Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4001. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4002; amended January 28, 1983, effective July 1, 1983; Comment revised September 23, 1985, effective January 1, 1986; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4001. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4002. Rescinded.**

*Official Note:* Formerly Rule 4003, added November 22, 1965, effective June 1, 1966; renumbered and amended July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and not replaced. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4003. Rescinded.**

*Official Note:* Formerly Rule 4007, adopted November 22, 1965, effective June 1, 1966, amended March 18, 1972, effective immediately; renumbered and paragraph (c) added July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4003. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4004. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4005; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4002. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4005. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4005(b); amended January 28, 1983, effective July 1, 1983; amended April 29, 1983,

effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4008. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4006. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence, replacing prior Rules 4008 and 4010; amended January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rules 4003 and 4007. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4007. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4013; amended January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4011. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4008. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4010. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4009. Rescinded.**

*Official Note:* Formerly Rule 4011, adopted November 22, 1965, effective June 1, 1996; renumbered and title amended July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4012. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4010. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence; amended September 22, 1976, effective November 1, 1976; amended January 28, 1983, effective July 1, 1983; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994 rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4009. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4011. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4014. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4012. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1,

1996, and replaced by Rule 4013. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4013. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4005. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4015. Rescinded.**

*Official Note:* Formerly Rule 4009, adopted November 22, 1965, effective June 1, 1966; renumbered, former paragraph (b) integrated into paragraph (a) and new paragraph (b) adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4015. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

**Rule 4016. Rescinded.**

*Official Note:* Adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4012; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4016. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4017. Rescinded.**

*Official Note:* Formerly Rule 4014, adopted November 22, 1965, effective June 1, 1966; renumbered July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4017. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

*Committee Introduction*

In accordance with section 5702 of the Judicial Code, 42 Pa.C.S. § 5702, which provides that "all matters relating to the fixing, posting, forfeiting, exoneration, and distribution of bail and recognizances shall be governed by general rules," the rules in this Chapter were implemented to govern the procedures for the release of a defendant from custody pending the full and final disposition of the defendant's case.

These rules were reorganized and amended in 1995. For the most part, the new rules incorporate the same procedures that were established under the former rules. The changes encourage the use of nonmonetary conditions of release on bail. See Rules 4003, 4005, 4006, and 4007. The bail authority, as defined in Rule 3, should tailor any conditions of release on bail to the individual defendant.

The procedures in this Chapter are divided into four parts: procedures for pre-verdict release (Rules 4001—4008), procedures for post-verdict release (Rule 4009), general procedures for all bail cases (Rules 4010—4016), and bail procedures for material witnesses (Rule 4017). The pre-verdict procedures encompass all stages of the criminal process from the initiation of criminal proceed-

ings through trial until a finding as to guilt. The post-verdict procedures pertain to all stages after verdict, both before and after sentencing, while jurisdiction remains with the court of common pleas. The general procedures govern all bail cases during all stages of the criminal process. Part IV sets forth the special procedures that may be utilized to ensure the appearance of a material witness.

**PART I. PROCEDURES FOR PRE-VERDICT RELEASE**

**Rule 4001. Bail Before Verdict.**

\* \* \* \* \*

*Official Note:* Former Rule 4001 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4002; amended January 28, 1983, effective July 1, 1983; Comment revised September 23, 1985, effective January 1, 1986; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4001. Present Rule 4001 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4002. Release Criteria.**

\* \* \* \* \*

*Official Note:* Previous Rule 4002, formerly Rule 4003, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4002 and amended July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and not replaced. Present Rule 4002 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4003. Types of Release on Bail.**

\* \* \* \* \*

*Official Note:* Previous Rule 4003, formerly Rule 4007, adopted November 22, 1965, effective June 1, 1966; amended March 18, 1972, effective immediately; renumbered Rule 4003 and paragraph (c) added July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced in part by present Rule 4003. Present Rule 4003 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4004. Bail Bond.**

\* \* \* \* \*

*Official Note:* Former Rule 4004 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4005; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4002. Present Rule 4004 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4005. Conditions of Bail Bond.**

\* \* \* \* \*

*Official Note:* Former Rule 4005 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4005(b); amended January 28, 1983, effective July 1, 1983; amended April 29, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4008. Present Rule 4005 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4006. Nonmonetary Conditions of Release on Bail.**

\* \* \* \* \*

*Official Note:* Former Rule 4006, adopted July 23, 1973, effective 60 days hence, replacing prior Rules 4008 and 4010; amended January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rules 4003 and 4007. Present Rule 4006 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4007. Monetary Condition of Release on Bail.**

\* \* \* \* \*

*Official Note:* Former Rule 4007 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4013; amended January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4011. Present Rule 4007 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4008. Modification of Bail Order Prior to Verdict.**

\* \* \* \* \*

*Official Note:* Former Rule 4008 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4010. Present Rule 4008 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**PART II. PROCEDURES FOR POST-VERDICT RELEASE**

**Rule 4009. Bail After Finding of Guilt.**

\* \* \* \* \*

*Official Note:* Former Rule 4009, previously Rule 4011, adopted November 22, 1965, effective June 1, 1996; renumbered Rule 4009 and title amended July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4012. Present Rule 4009 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**PART III. GENERAL PROCEDURES IN ALL BAIL CASES**

**Rule 4010. Duties and Powers of a Bail Agency.**

\* \* \* \* \*

*Official Note:* Former Rule 4010 adopted July 23, 1973, effective 60 days hence; amended September 22, 1976, effective November 1, 1976; amended January 28, 1983, effective July 1, 1983; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4009. Present Rule 4010 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4011. Qualifications of Surety.**

*Official Note:* Former Rule 4011 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4014. Present Rule 4011 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4012. Substitution of Surety or Security.**

\* \* \* \* \*

*Official Note:* Former Rule 4012 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4013. Present Rule 4012 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4013. Increased Amount of Monetary Condition of Bail.**

\* \* \* \* \*

*Official Note:* Former Rule 4013 adopted July 23, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4005. Present Rule 4013 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4014. Duration of Obligation.**

\* \* \* \* \*

*Official Note:* Former Rule 4014 adopted July 23, 1973, effective 60 days hence, replacing previous Rule 4006; amended December 11, 1981, effective July 1, 1982; rescinded November 9, 1984, effective January 2, 1985, and not replaced. Present Rule 4014 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4015. Receipt for Deposit; Return of Deposit.**

\* \* \* \* \*

*Official Note:* Former Rule 4015, previously Rule 4009, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4015, former paragraph (b) integrated into paragraph (a) and new paragraph (b) adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4015. Present Rule 4015 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 4016. Procedures Upon Violation of Conditions: Revocation of Release and Forfeiture; Bail Pieces; Exoneration of Surety.**

\* \* \* \* \*

*Official Note:* Former Rule 4016, adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4012; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4016. Present Rule 4016 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**PART IV: BAIL PROCEDURES FOR MATERIAL WITNESSES**

**Rule 4017. Detention of Witnesses.**

\* \* \* \* \*

*Official Note:* Former Rule 4017, previously Rule 4014, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4017 July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 4017. Present Rule 4017 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**CHAPTER 6000. RULES OF CRIMINAL PROCEDURE FOR THE MUNICIPAL COURT OF PHILADELPHIA**

**Rule 6003. Procedure in Non-Summary Municipal Court Cases.**

\* \* \* \* \*

*Official Note:* Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; **the April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

**Rule 6011. Bail.**

*(Editor's Note:* The ellipses in Rule 6011 refer to the text at 26 Pa.B. 989, 990 (March 9, 1996).)

\* \* \* \* \*

*Official Note:* Adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Amended February 21, 1996, effective July 1, 1996. **The April 1, 1996 effective date extended to July 1, 1996.**

\* \* \* \* \*

[Pa.B. Doc. No. 96-580. Filed for public inspection April 12, 1996, 9:00 a.m.]

**PART I. GENERAL**

**[234 PA. CODE CHS. 100 AND 6000]**

**Amendments to Rules 106, 108 and 6003 Governing Private Complaints; No. 207; Doc. No. 2**

**Order**

*Per Curiam:*

Now, this 22nd day of March, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been published before adoption at 24 Pa.B. 4348 (August 27, 1994), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 643-644), and a *Final Report* to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 106 and 6003 are hereby amended, and the revised *Comment* to Rule of Criminal Procedure 108 is approved, as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 1996.

**Annex A**

**TITLE 234. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 100. PROCEDURE IN COURT CASES**

**PART II. COMPLAINT PROCEDURES**

**Rule 106. Approval of Private Complaints.**

(a) When the affiant is not a law enforcement officer **[and the offense(s) charged include(s) a misdemeanor or felony which does not involve a clear and present danger to any person or to the community]**, the complaint shall be submitted to an attorney for the Commonwealth, who shall approve or disapprove it without unreasonable delay.

(b) If the attorney for the Commonwealth:

(1) approves the complaint, the attorney shall indicate this decision on the complaint form and transmit it to the issuing authority;

(2) disapproves the complaint, the attorney shall state the reasons on the complaint form and return it to the affiant. **[Thereafter the affiant may file the complaint with a judge of a court of common pleas for**

approval or disapproval; or ] Thereafter, the affiant may petition the court of common pleas for review of the decision.

[ (3) does not approve or disapprove within a reasonable period of time, the affiant may file the complaint on a separate form with the issuing authority, noting thereon that a complaint is pending before an attorney for the Commonwealth. The issuing authority shall determine whether a reasonable period has elapsed, and, when appropriate, shall defer action to allow the attorney for the Commonwealth an additional period of time to respond. ]

**Official Note:** Original Rule 105 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 105 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 133 and amended September 18, 1973, effective January 1, 1974; amended January 23, 1975, effective September 1, 1975; amended October 22, 1981, effective January 1, 1982; rescinded November 9, 1984, effective January 2, 1985. Present Rule 133 adopted November 9, 1984, effective January 2, 1985; renumbered Rule 106 and amended August 9, 1994, effective January 1, 1995; **amended March 22, 1996, effective July 1, 1996.**

**Comment**

For the contents of a private complaint, see Rule 104.

The 1996 amendment to paragraph (a) deleted the exception for misdemeanors or felonies "involving a clear and present danger to any person or to the community." In all cases where the affiant is not a law enforcement officer, the complaint must be submitted for approval or disapproval by the attorney for the Commonwealth.

The district attorney may "transmit" the complaint to the issuing authority pursuant to subparagraph (b)(1) by returning it to the affiant for delivery.

*Committee Explanatory Reports:*

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

**Final Report explaining the March 22, 1996 amendments published with the Court's Order at 26 Pa.B. 1690 (April 13, 1996).**

**Rule 108. Procedure Following Submission of Complaint to Issuing Authority.**

\* \* \* \* \*

**Official Note:** Original Rule 106, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 106 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 134 and amended September 18, 1973, effective January 1, 1974; amended January 23, 1975, effective September 1, 1975; amended April 26, 1979, effective July 1, 1979; *Comment* revised April 24, 1981, effective July 1, 1981; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; renumbered Rule 108 and amended August 9, 1994, effective January 1, 1995; **Comment revised March 22, 1996, effective July 1, 1996.**

**Comment**

\* \* \* \* \*

Under paragraph (a)(2), the method by which the district attorney approves and transmits a private complaint pursuant to Rule 106(b)(1) may be determined by local practice.

Private complaints must first be submitted to the district attorney for approval or disapproval under Rule 106. For private complaint procedures in summary cases, see Rule 66.

[ The specifications as to which private complaints must first be submitted to the district attorney are set forth in Rule 106(b) and in the Comment to Rule 51. If the district attorney has failed to approve a private complaint as required, only a judge of a court of common pleas can issue a summons or warrant based on the complaint. See Rule 106(b)(2). ]

Paragraph (a)(2) also applies when a district attorney elects to proceed under Rule 107 (Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option).

*Committee Explanatory Reports:*

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

**Final Report explaining the March 22, 1996 Comment revision published at 26 Pa.B. 1690 (April 13, 1996).**

**CHAPTER 6000. RULES OF CRIMINAL PROCEDURE FOR THE MUNICIPAL COURT OF PHILADELPHIA**

**Rule 6003. Procedure in Non-Summary Municipal Court Cases.**

**A. INITIATION OF CRIMINAL PROCEEDINGS**

\* \* \* \* \*

(2) [ When a private complaint which has been submitted to the office of the District Attorney pursuant to Rule 106 is not approved or is not acted upon within a reasonable period, the affiant may file the complaint with a judge of the Municipal Court, who may take action that a common pleas judge is authorized to take under that rule. ]

**Private Complaints**

(a) When the affiant is not a law enforcement officer, the complaint shall be submitted to an attorney for the Commonwealth, who shall approve or disapprove it without unreasonable delay.

(b) If the attorney for the Commonwealth:

(i) approves the complaint, the attorney shall indicate this decision on the complaint form and transmit it to the issuing authority;

(ii) disapproves the complaint, the attorney shall state the reasons on the complaint form and return it to the affiant. Thereafter, the affiant may petition the court of common pleas for review of the decision.

\* \* \* \* \*

**C. SUMMONS AND ARREST WARRANT PROCEDURES**

When a Municipal Court judge finds grounds to issue process based on a complaint, the judge shall:



(1) issue a summons and not a warrant of arrest when the offense charged is punishable by [ **a sentence to imprisonment for a term** of not more than 1 year, except as set forth in subsection C(2);

(2) issue a warrant of arrest when:

(a) the offense charged is punishable by [ **a sentence to ] imprisonment for a term** of more than 5 years;

\* \* \* \* \*

**Official Note:** Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; **amended March 22, 1996, effective July 1, 1996.**

#### Comment

Former Rule 6003 was rescinded and replaced by new Rule 6003 in 1994. Although Rule 6003 has been extensively reorganized, only subsections D(1) and D(2)(c) reflect changes in the procedures contained in the former rule.

**The 1996 amendments to paragraph A(2) align the procedures for private complaints in non-summary Municipal Court cases with the Statewide procedures for private complaints in Rule 106 (Approval of Private Complaints). In all cases where the affiant is not a law enforcement officer, the complaint must be submitted to the attorney for the Commonwealth for approval or disapproval.**

\* \* \* \* \*

#### *Committee Explanatory Reports:*

Report explaining the provisions of the new rule published at 22 Pa.B. 6 (January 4, 1992). Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the September 13, 1995 amendments published with the Court's Order at 25 Pa.B. 4116 (September 30, 1995).

**Final Report explaining the March 22, 1996 amendments published with the Court's Order at 26 Pa.B. 1690 (April 13, 1996).**

#### FINAL REPORT

##### *Private Criminal Complaints:*

*Clarifying Amendments to Pa.Rs.Crim.P. 106 and 6003;*  
*Comment Revision to Pa.R.Crim.P. 108*

#### Introduction

On March 22, 1996, upon the Recommendation of the Criminal Procedural Rules Committee, the Supreme Court adopted amendments to Pa.Rs.Crim.P. 106 and 6003, and approved a Rule 108 *Comment* revision.<sup>1</sup> The Committee proposal which resulted in these changes was published in 1994. Included in that proposal and in the

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

Committee's first Recommendation to the Court were amendments to Rules 106 and 6003, which, in part, deleted the provisions for review in the court of common pleas of a district attorney's disapproval of a private complaint, Pa.Rs.Crim.P. 106(b)(2) and 6003A(2). See 24 Pa.B. 4348 (August 27, 1994). The Court declined to accept the Recommendation with these deletions, but asked the Committee whether there were other aspects of the Recommendation which we wanted the Court to consider separately. After an extensive discussion, the Committee submitted a revised Recommendation, which the Court has adopted, effective July 1, 1996. The purpose of this *Final Report* is to explain the changes contained in that Recommendation.

#### *Discussion*

##### I. Background

The Committee's recent reexamination of the function of private criminal complaints in Pennsylvania arose during a discussion of the evolving case law on Rule 106(b) and the prosecutor's discretionary charging function in the private complaint context. See, e.g., *Commonwealth v. Cutler*, 636 A.2d 164 (Pa. Super. 1993) and *Commonwealth v. Benz*, 565 A.2d 764 (Pa. 1989). Our examination of the private complaint in Pennsylvania focused on (1) a review of the shift in responsibility for the charging function in Pennsylvania from the police to the attorney for the Commonwealth, and (2) the separate but related development of procedural rules governing private complaints.

##### A. The Charging Function

In Pennsylvania, the initial charging decision was historically left to the police, although most states had placed the charging function with the prosecutor. La Fave, *The Prosecutor's Discretion in the United States*, 18 Am.J.Comp.Law 532 (1970). The vesting of the charging function with the attorney for the Commonwealth has been fairly recent. In the early 1980's, Rules of Criminal Procedure were promulgated to make it clear that the attorney for the Commonwealth, and not the police, has the discretion to determine whether and what to charge. See Pa.R.Crim.P. 101A (Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option). See also *Bordenkircher v. Hayes*, 434 U.S. 357 (1978) (the decisions whether to prosecute and what offense to charge rest entirely within the prosecutor's discretion) and *In re Petition of Piscanio*, 344 A.2d 658, 660—661 (Pa. Super. 1975) (district attorney obliged not only to prosecute crime but also to determine when and whether charges should be brought).

##### B. Development of Rules of Procedure Governing Private Complaints

The development of rules governing private complaints predated the assumption of the charging decision by the attorney for the Commonwealth, and the first rules only served to effectuate common law "private prosecutions." See, e.g., *Simpson v. Montgomery Ward*, 46 A.2d 674 (Pa. 1946) and *Altman v. Standard Refrigerator*, 173 A. 411 (Pa. 1934). Former Pa.Rs.Crim.P. 105 and 106, adopted in 1964, provided that a private citizen could appear before a magistrate, swear to a complaint against another private citizen, and a summons or arrest warrant could issue without the prior approval of a police officer or an attorney for the Commonwealth. These early rules generated ongoing criticism from lawyers, judges, and law enforcement officers because private complaint procedures were too often used as an inexpensive alternative to civil remedies for debt collection. In response to this criticism,

the Committee reevaluated the rules governing private complaints in the 1970's. At that time, a number of Committee members argued that the private complaint rules should be eliminated completely, in view of the national trend giving prosecutors unfettered charging discretion, the misuse of private complaints, and the availability of civil remedies. Other members, however, felt strongly that some form of private complaint procedure should be retained, despite the abuses, and present Rule 106 reflects the compromise reached to accommodate these disparate views.

## II. Explanation of Changes

In light of the Court's directive that common pleas review of the district attorney's decision to disapprove a private complaint should be retained in Rule 106, see the Introduction, the Committee reexamined the original proposal and agreed that the rules governing private complaints should be revised to eliminate unnecessary procedures and to make it clear that: (1) in all court cases, without exception, private complaints must be submitted to the attorney for the Commonwealth for approval or disapproval; and (2) when a private complaint is disapproved, the private complainant must "petition for review" of the district attorney's decision in the court of common pleas, rather than "filing" the complaint with the court of common pleas.

### A. Rule 106 (Approval of Private Complaints)

Deletion of paragraph (a) exception. We have eliminated the exception provided in paragraph (a) for those private complaints charging a crime which involves a "clear and present danger to any person or to the community" because we feel that such circumstances warrant review by an attorney for the Commonwealth.

Amendment to paragraph (b)(2). Paragraph (b)(2) has been amended as follows: if the attorney for the Commonwealth

disapproves the complaint, the attorney shall state the reasons on the complaint form and return it to the affiant. [*Thereafter, the affiant may file the complaint with a judge of a court of common pleas for approval or disapproval; or*] *Thereafter, the affiant may petition the court of common pleas for review of the decision.*

This amendment is intended to underscore the distinction between the district attorney's charging decision and judicial review of that decision. The amendment eliminates the "filing" language that can be construed as permitting a common pleas judge to improperly engage in a *de novo* review of the complaint itself, and makes it clear that the judge's function is to review the propriety of the district attorney's discretionary decision to disapprove the complaint.

Deletion of paragraph (b)(3). Paragraph (b)(3) has been deleted because unreasonable delays in district attorneys' screening of private complaints do not appear to be a problem.

### B. Revision of *Comment* to Rule 108 (Procedure Following Submission of Complaint to Issuing Authority)

The present *Comment* referring to Rule 106 has been deleted and a new paragraph added which states that all private complaints must be submitted to the district attorney for approval or disapproval pursuant to Rule 106. We have also included a cross-reference to Rule 66 (Procedure following Filing of Complaint—Issuance of Summons), which addresses private complaint procedures in summary cases.

### C. Amendments to Rule 6003 (Procedures in Non-Summary Municipal Court Cases)

Paragraph A(2) has been completely rewritten and a correlative *Comment* added to align private complaint procedures in Philadelphia Municipal Court with the procedures in Rule 106.

[Pa.B. Doc. No. 96-581. Filed for public inspection April 12, 1996, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [246 PA CODE CHS. 500 AND 1000]

Order Amendment PA.R.C.P.D.J. Nos. 504, 514, 515, 517, 519, 520, 581, 1002, 1008, 1013 and 1081; No. 165; Doc. No. 1

### Order

*Per Curiam:*

Now, this 28th of March, 1996, the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before District Justices are amended as follows:

1. Rule 504 governing setting the date for hearings and delivery of service is amended to read as follows.
2. Rule 514 governing judgments is amended to read as follows.
3. Rule 515 governing requests for orders for possession is amended to read as follows.
4. Rule 517 governing notations of time of receipt and service of orders for possession is amended to read as follows.
5. Rule 519 governing forcible entry and ejection is amended to read as follows.
6. Rule 520 governing officer's return is amended to read as follows.
7. Rules 581 and 1081 governing suspension of Acts of Assembly is amended to read as follows.
8. Rule 1002 governing time and method of appeal is amended to read as follows.
9. Rule 1008 governing appeal as supersedeas is amended to read as follows.
10. Rule 1013 governing writ of certiorari as supersedeas is amended as follows.

This Order shall be effective March 29, 1996 and shall be processed in accordance with Rule of Judicial Administration 103(b).

### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

#### CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

#### Rule 504. Setting the Date for Hearing; Delivery for Service.

The district justice, at the time the complaint is filed, shall:

(1) Set a hearing date which shall be not less than seven (7) or more than [ **twenty (20)** ] **fifteen (15)** days from the date the complaint is filed.

(2) Insert the hearing time and date and the address of [ **his** ] **the district justice's** magisterial district in the complaint form.

(3) Deliver a copy of the complaint form with hearing time and date thereon to the plaintiff or [ **his** ] **the plaintiff's** agent.

\* \* \* \* \*

**Official Note:** The hearing date in subdivision (1) of this rule was required to be set not less than seven days from the filing of the complaint because of the requirement of [ **Rule** ] **Pa. R.C.P.D.J. No. 506[ C ] (B)** that service be made at least five days before the hearing. It was thought that the requirement that the complaint be served not more than [ **twenty** ] **fifteen** days from the filing of the complaint should provide ample time to make the type of service required in these cases. However, the complaint may be reinstated upon written request of the plaintiff as in trespass and assumpsit cases. See [ **Rule** ] **Pa. R.C.P.D.J. No. 341E** and the note to [ **Rule** ] **Pa. R.C.P.D.J. No. 314**.

The notice for the defendant set forth in subdivision (4) of this rule varies somewhat from the notice required in trespass and assumpsit actions under [ **Rule** ] **Pa. R.C.P.D.J. No. 305**. There are a number of reasons for this. First, there can be no default judgment in these possessory actions and, secondly, it was thought that cross-complaints of defendants in these cases should be limited to those arising out of the occupancy of the premises.

**Amended Oct. 17, 1975, effective in 90 days; June 30, 1982, effective 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996.**

#### **Rule 514. Judgment.**

A. If it appears at the hearing that the complaint has been proven, the district justice shall enter judgment against the defendant that the real property be delivered up to the plaintiff and **shall enter judgment by separate entries:**

[ (1) for damages, if any, for injury to or unjust detention of the premises and for the amount of rent, if any, which remains due, and

(2) for the costs of the proceeding,

(3) less any amount found due the defendant on any cross complaint filed by him. ]

(1) for the amount of rent, if any, which remains due,

(2) for the amount of damages, if any, for unjust detention,

(3) for the physical damages, if any, to the leasehold premises, and

(4) for the costs of the proceeding;

less any amount found due the defendant on any cross-complaint filed by the defendant.

In addition, the district justice shall make an entry identifying the sum of money found by the district justice to constitute the monthly rental for the leasehold premises.

B. A money judgment may be rendered for the defendant on a cross-complaint filed by [ **him** ] **the defendant** if the amount found due thereon exceeds any amount found due the plaintiff on [ **his** ] **the plaintiff's** complaint.

C. Judgment shall be given at the conclusion of the hearing or within [ **five (5)** ] **three (3)** days thereafter and shall be entered [ **on the original complaint form**. **The district justice shall promptly give written notice of the judgement** ] **upon the form prescribed for the entry of judgment by the State Court Administrator. Upon the entry of the judgment, copies of the prescribed form shall be given or mailed to all parties, but if any party has an attorney of record named in the complaint form the written notice shall be given to the attorney instead of to the party. Notice of judgment shall [ contain advice as to the ] inform the parties of the right of the parties to appeal, the time within which the appeal must be taken and that the appeal is to the court of common pleas.**

**Official Note:** The separate entries provided in Subdivision A are made necessary as a result of the rental deposit provisions for appeal or certiorari contained in Pa. R.C.P.D.J. Nos. 1008.B. and 1013.B., as well as the wage attachment provisions contained in Act 5 of 1996.

Subdivision B of this rule makes provision for a money judgment for the defendant if [ **he** ] **the defendant** prevails in a greater amount on [ **his** ] **the defendant's** cross-complaint.

**Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended March 27, 1992, effective June 25, 1992; March 28, 1996, effective March 29, 1996.**

#### **Rule 515. Requests for Order for Possession.**

A. If the district justice has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the plaintiff, the plaintiff may, [ **on or** ] after the [ **sixteenth (16th)** ] **fifteenth (15th)** day following the date of the entry of the judgment, file with the district justice a request for an order for possession on a form which shall be prescribed by the State Court Administrator. The request form shall be attached to the order, and shall [ **including** ] **include** a statement of the judgment amount, return and all other matters required by these rules.

B. If the district justice has rendered a judgment arising out of a residential lease that the real property be delivered up to the plaintiff, the plaintiff may after the tenth (10th) day following the date of the entry of the judgment, file with the district justice a request for an order for possession on a form which shall be prescribed by the State Court Administrator. The request form shall be attached to the order, and shall include a statement of the judgment amount, return and all other matters required by these rules.

**Official Note:** The fifteen days in subdivision A of this rule plus the [ **fifteen** ] **sixteen** days in Rule 519.A. will give the defendant time to obtain a supersedeas within the appeal period. See [ **Rules** ] **Pa. R.C.P.D.J. Nos. 1002, 1008, 1009 and 1013. The 1995 amendment to § 513 of the Landlord/Tenant Act (Act No. 1995-**

33) established a ten day period of time for an appeal from a judgment for possession of real estate arising out of a residential lease; therefore, the filing of the request for order of possession in subdivision B. is not permitted until after the period of time for appeal has expired.

Amended June 1, 1971; amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1982, effective June 25, 1992; March 28, 1996, effective March 29, 1996.

Rule 517. Notification of Time of Receipt; Service of Order for Possession.

The [ **district justice** ] plaintiff shall serve the order for possession by mailing a copy of it to the defendant by first class mail and shall deliver a copy of it for service to the sheriff of, or any constable in, the county in which the office of the district justice is situated. The officer receiving the order for possession shall note upon the form the time and date that he received it. He shall [ **forthwith** ] serve the order **within forty-eight (48) hours** by handing a copy of it to the defendant or to an adult person in charge for the time being of the premises possession of which is to be delivered or, if none of the above is found, by posting it conspicuously on those premises. The service copy of the order shall contain the following notice:

**(1) For nonresidential leases:**

If you, and all occupants of this property not authorized by the owner to be present thereon, do not vacate this property within fifteen (15) days after the date of this notice, the law authorizes me to use [ , and I must use, ] such force as may be necessary to enter upon the property, by the breaking in of any door or otherwise, and to eject you and all unauthorized occupants.

**(2) For residential leases:**

If you, and all occupants of this property not authorized by the owner to be present thereon, do not vacate this property within ten (10) days after the date of this notice, the law authorizes me to use force as may be necessary to enter upon the property by the breaking in of any door or otherwise, and to eject you and all unauthorized occupants.

The date of the notice shall be the same as the date of the service.

**Official Note:** Under this rule, service must be made both by first class mail and delivery for service in the manner prescribed. **The differing lengths of notices set forth for nonresidential leases and residential leases are made necessary by reason of the 1995 amendment to Section 513 of the Landlord/Tenant Act. See Note following Pa. R.C.P.D.J. No. 515.**

Amended October 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; March 28, 1996, effective March 29, 1996.

**Rule 519. Forcible Entry and Ejectment.**

A. If, on or after the sixteenth (16th) day following the service of the order for possession arising out of a nonresidential lease, the defendant or any unauthorized occupant remains on the real property, the officer executing the order for possession shall use such force as may be necessary to enter upon the property, by the breaking in of any door or otherwise, and to eject the defendant and any unauthorized occupant and shall

deliver possession of the real property to the plaintiff or [ **his** ] the plaintiff's agent.

B. If, on or after the eleventh (11th) day following the service of the order for possession in cases arising out of a residential lease, the defendant or any unauthorized occupant remains on the real property, the officer executing the order for possession shall use such force as may be necessary to enter upon the property, by the breaking in of any door or otherwise, and to eject the defendant and any unauthorized occupant and shall deliver possession of the real property to the plaintiff or the plaintiff's agent.

C. No order for possession shall be executed on or after sixty (60) days following its issuance. An order for possession shall be reinstated for one (1) additional sixty (60) day period upon written request for order for possession to the district justice. (See [ **Rule** ] Pa. R.C.P.D.J. No. 515).

**Official Note: The differing lengths of notices set for nonresidential leases and residential leases are made necessary by reason of the 1995 amendment to Section 513 of the Landlord/Tenant Act. See Note following Pa. R.C.P.D.J. No. 515.**

Subdivision [ **B** ] C of this Rule will permit the reinstatement, upon written request of the plaintiff of an order for possession which had not been executed on or after sixty (60) days following its issuance. The written request for reinstatement may be in any form and may consist of a notation on the permanent copy of the order for possession form "Reinstatement of Order Requested," subscribed by the plaintiff. The district justice shall mark all copies of the reinstated order for possession "Order Reinstated. Request for reinstatement filed on \_\_\_\_\_ (Date)." If it is necessary to use a new form or new form sets for the reinstated order for possession, the reinstated order for possession, except for service portions thereof, shall be an exact copy of the original order for possession, although signatures may be typed with the mark "s/" indicating an actual signature. Since a reinstated order for possession is merely a continuation of the original action, there is no filing fee for reinstating an order for possession.

Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; March 28, 1996, effective March 29, 1996.

**Rule 520. Officer's Return.**

[ **The** ] Within five (5) business days following delivery of possession to the plaintiff or satisfaction by payment of rent in arrears and costs, the officer executing the order for possession shall make a return on the order for possession form. The return shall show:

- (1) The date, time, place and manner of service of the order.
- (2) If the order was satisfied by the payment of rent in arrears and costs by or on behalf of the defendant, the amount of that payment and its distribution.
- (3) The time and date of any forcible entry and ejectment, or that no entry for the purposes of ejectment had to be made.
- (4) [ **His** ] The officer's expenses and fees.

Amended July 30, 1982, effective 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996.

**Rule 581. Acts of Assembly Suspended.**

All Acts of Assembly or parts thereof inconsistent with the rule governing practice and procedure in actions before district justices for the recovery of possession of real property are suspended to the extent of such inconsistency.

**THE FOLLOWING ACTS OF ASSEMBLY ARE SUSPENDED INsofar AS THEY ARE INCONSISTENT WITH THE FOREGOING RULES:**

(1) Act of July 6, 1995, amending the Act of April 6, 1951, (P. L. 69, No. 20), known as Act 33 of 1995;

(2) Act of July 6, 1995, amending the Act of April 6, 1951, (P. L. 69, No. 20), known as Act 36 of 1995.

Amended June 30, 1982, effective 30 days after July 17, 1982; amended March 28, 1995, effective March 29, 1996.

**CHAPTER 1000. APPEALS.****APPEAL****Rule 1002. Time and Method of Appeal**

A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within thirty (30) days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the district justice. The Prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than thirty (30) days after the date of judgment without leave of Court and upon good cause shown.

B. A party aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease may appeal therefrom within ten (10) days after the date of entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the district justice. The prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than ten (10) days after the date of judgment without leave of Court and upon good cause shown.

**Official Note:** The thirty day limitation in subdivision A of this rule is the same as that found in the Judicial Code, § 5571(b), 42 Pa.C.S. § 5571(b), as amended by § 10 (67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53. The ten day limitation in subdivision B of this rule is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1955). The two subdivisions of this rule are intended to clarify that where the right of possession of residential real estate is at issue, the shorter, ten day period for appeal applies; where the judgment from which the appeal is taken is a judgment only for money, or a judgment affecting a nonresidential lease, under these rules, the thirty day period of time for appeal applies.

The method of appeal is by filing with the prothonotary a "notice of appeal" on a form to be prescribed by the State Court Administrator. Copies of this same form will

be used for service under [ Rule ] Pa. R.C.P.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an "appeal" for filing and another called a "notice of appeal" for service. [ No transcript of the record of the proceedings before the district justice is to be filed on appeal, for the proceedings on appeal are de novo. ]

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the district justice.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.A.P.D.J. No. 514.A and will be needed by the Prothonotary.

Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; March 28, 1996, effective March 29, 1996.

**Rule 1008. Appeal as Supersedeas.**

\* \* \* \* \*

B. When an appeal is from a judgment for the possession of real property, receipt by the district justice of the copy of the notice of appeal shall operate as a supersedeas only if the appellant [ files with the prothonotary a bond, with surety approved by the prothonotary, conditioned for the payment of any judgment for rent and for damages growing out of occupancy of or injury to the premises rendered against the appellant on appeal. In lieu of such a bond, the court of common pleas may, by local rule applicable to certain classes of cases, permit rental payments becoming due during the court of common pleas proceedings to be deposited in an escrow account in a bank or trust company approved by the court, such deposits to be applied to the payment of any judgment of the kind mentioned above rendered on appeal. If the appellant files such a bond or is permitted to deposit rental payments in escrow in lieu of a bond ] at the time of filing the appeal, deposits with the prothonotary a sum of money (or a bond, with surety approved by the prothonotary) equal to the lesser of three (3) months' rent or the rent actually in arrears on the date of the filing of appeal, based upon the district justice's order of judgment, and, thereafter, deposits cash or bond with the prothonotary in a sum equal to the monthly rent which becomes due during the period of time the proceedings upon appeal are pending in the court of common pleas, such additional deposits to be made within thirty (30) days following the date of the appeal, and each successive thirty (30) day period thereafter.

Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

In the event the appellant fails to deposit the sums of money, or bond, required by this rule within ten (10) days following the date when such deposits are due, the prothonotary, upon praecipe filed by the appellee, shall terminate the supersedeas Notice of the termination of the supersedeas shall be forwarded via first class mail

to all parties, but if any party has an attorney of record named in the complaint form or other filings with the court, notice shall be given to the attorney instead of to the party. Notice to a party that does not have an attorney of record is sufficient if mailed to the party's last known address of record.

Where the deposit of money or bond is made pursuant to this Rule at the time of filing the appeal, the prothonotary shall make upon the notice of appeal and its copies a notation that it will operate as a supersedeas when received by the district justice.

C. If an appeal is stricken or voluntarily terminated, any supersedeas based on it shall terminate. **The prothonotary shall pay the deposits of rental to the party who sought possession of the real property.**

**Official Note:** Subdivision A provides for an automatic supersedeas in appeals from trespass and assumpsit actions upon receipt by the district justice of a copy of the notice of appeal. It did not seem worthwhile to require bond or other security for costs as a condition for supersedeas in trespass and assumpsit appeals.

[ Subdivision B, however, does require a bond, or an escrow deposit of rent if permitted by local rule, as a condition for supersedeas with respect to appeals from judgments for the possession of real property. The provision for local rules permitting an escrow deposit of rent in certain cases is intended to authorize local machinery for the handling of special categories of landlord and tenant problems. See the statute cited in Rule 1082(1). ] Subdivision B, however, does require the deposit of money or approved bond as a condition for supersedeas where the appeal is from a judgment for the possession of real property. This provision substantially incorporates the purpose and intent of the Legislative provision contained in Act No. 1995-33, approved July 6, 1995. The 1996 amendment provides a uniform, Statewide procedure (except Philadelphia County: See: Philadelphia Municipal Court Rules of Civil Procedure), and establishes a mechanism for the application of a supersedeas or the termination thereof without the need for any local court rule or order.

The request for termination of the supersedeas, upon the praecipe filed with the prothonotary, may simply state: "Please terminate the supersedeas in the written action for failure of the appellant to pay monthly rental as required by Pa. R.C.P.D.J. No. 1008 for a period in excess of thirty (30) days" and will be signed by appellee. The prothonotary will then note upon the praecipe: "Upon confirmation of failure of the appellant to deposit the monthly rent for more than thirty (30) days, the supersedeas is terminated," and the prothonotary will sign and clock the praecipe. A copy of the praecipe may thereupon be displayed to the district justice who rendered the judgment, and a request for issuance of an order for possession under Pa. R.A.P.D.J. No. 515 may be made.

The deposit of rent required hereunder is intended to apply in all cases, irrespective of the reasons which caused the filing of the complaint before the district justice in the first instance. Disposition of the monthly rental deposits will be made by the court of common pleas following its *de novo* hearing of the matter on appeal.

The money judgment portion of a landlord and tenant judgment (See [ Rule ] Pa. R.C.P.D.J. Nos. 514 and 521) would be governed by subdivision A.

**Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective in 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996.**

### CERTIORARI

#### Rule 1013. Writ of Certiorari as Supersedeas.

A. Receipt of the writ of certiorari by the district justice to whom it was directed shall operate as a supersedeas, except as provided in subdivision B of this rule.

B. When the writ of certiorari involves a judgment for the possession of real property, receipt of the writ by the district justice shall operate as a supersedeas only if the party obtaining the writ [ **files with the prothonotary a bond, with surety approved by the prothonotary, conditioned for the payment of rent accruing during the court of common pleas proceedings in the event the writ is dismissed.** ] at the time of filing the writ, deposits with the prothonotary a sum of money (or a bond, with surety approved by the prothonotary) equal to the lesser of three (3) months' rent or the rent actually in arrears on the date of the filing of appeal, as determined by the district justice, and, thereafter, deposits cash or bond with the prothonotary in a sum equal to the monthly rent which becomes due during the period of time the proceedings upon writ are pending in the court of common pleas, such additional deposits to be made within thirty (30) days following the date of the filing of the writ, and each successive thirty (30) day period thereafter.

Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the writ is pending and while the ensuing proceeding is pending (in the event the writ is granted) to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the writ and during the pendency of ensuing proceeding (in the event the writ is granted).

In the event that the party filing the writ fails to deposit the sums of money, or bond, required by this rule within (10) days following the date when such deposits are due, the prothonotary, upon praecipe filed by the party that did not file the writ, shall terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded via first class mail to all parties, but if any party has an attorney of record named in the complaint form or other filings with the court, notice shall be given to the attorney instead of to the party. Notice to a party who or which does not have an attorney of record is sufficient if mailed to the party's last known address of record.

[ If the party obtaining the writ files such a bond, ] Where the deposit of money or bond is made pursuant to this Rule at the time of the filing of the writ, the prothonotary shall make upon the writ and its copies a notation that the writ will operate as a supersedeas when received by the district justice.

C. If a writ of certiorari is stricken, dismissed or discontinued, any supersedeas based on it shall termi-

nate. The prothonotary shall pay the deposits of rental to the party who sought possession of the real property.

**Official Note:** As in appeals, (See [ Rule ] Pa. R.C.P.D.J. No. 1008), certiorari operates as an automatic supersedeas in trespass and assumpsit matters when the writ is received by the district justice. If the writ involves a judgment for the possession of real property, however, it will operate as a supersedeas upon receipt by the district justice only if **money is paid** or a bond is filed conditioned as stated in the rule. [ Since no decision is actually made in certiorari proceedings as to whether rent is or is not legally payable and no judgment for rent is rendered (see Rules 1009 and 1014), the conditions of the bond differ from those in Rule 1008B and no provision is made for permitting an escrow deposit of rent in lieu of a bond. ] This Rule has been amended to require a payment equal to the lesser of three months rent or the rent actually in arrears in order for the writ involving a judgment for the possession of real property to act as a supersedeas to ensure consistency between this Rule and Pa. R.C.P.D.J. No. 1008. (Appeal as Supersedeas).

The request for termination of the supersedeas, upon the praecipe filed with the prothonotary, may simply state: "Please terminate the supersedeas in the within action for failure of the party filing the writ to pay monthly rental as required by Pa.R.C.P.D.J. No. 1013 for a period in excess of thirty (30) days" and will be signed by landlord. The prothonotary will then note upon the praecipe: "Upon confirmation of failure of the party filing the writ to deposit the monthly rent for more than thirty (30) days, the supersedeas is terminated,"

and the prothonotary will sign and clock the praecipe. A copy of the praecipe may thereupon be displayed to the district justice who rendered the judgment, and a request for issuance of an order for possession under Pa.R.C.P.D.J. No. 515 may be made.

The money judgment portion of a landlord and tenant judgment (see [ Rule ] Pa. R.C.P.D.J. Nos. 514 and 521) would be governed by subdivision A of this rule.

**Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective in 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996.**

#### STATEMENT OF OBJECTION

##### Rule 1081. Acts of Assembly Suspended.

All Acts of Assembly or parts thereof inconsistent with the rules governing appellate proceedings with respect to judgments and other decisions of district justices in civil actions are suspended to the extent of such inconsistency.

**THE FOLLOWING ACTS OF ASSEMBLY ARE SUSPENDED INsofar AS THEY ARE INCONSISTENT WITH THE FOREGOING RULES:**

(1) Act of July 6, 1995, amending the Act of April 6, 1951, (P. L. 69, No. 20), known as Act 33 of 1995;

(2) Act of July 6, 1995, amending the Act of April 6, 1951, (P. L. 69, No. 20), known as Act 36 of 1995.

**Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective in 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996.**

[Pa.B. Doc. No. 96-582. Filed for public inspection April 12, 1996, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CAMBRIA COUNTY

#### Order of Court Adopting Local Orphans' Court Rules

##### Administrative Order

*And Now*, this 8th day of March, 1996, it is hereby *Ordered* that Rules 14.1cc and 15.7.cc, together with Cambria County Orphans' Court Forms 14.1.A. and 14.1.B., and 15.7.A. to 15.7.C. are hereby adopted and shall be effective June 1, 1996.

*By the Court*  
D. GERARD LONG,  
*President Judge*

#### CAMBRIA COUNTY COURT OF COMMON PLEAS RULES OF THE ORPHANS' COURT DIVISION

*(Integrated with Pennsylvania Supreme Court Orphans' Court Rule)*

Additional Rules Adopted  
*(Effective June 1, 1996):*

##### Rule 14.cc. Special Forms.

##### Rule 14.1.cc. Annual Reports of the Guardian of an Incapacitated Person shall be filed as follows:

(A) *Guardian of the Person:* The Report of the Guardian of a Person of an Incapacitated Person shall be filed on the form attached to these Rules as Cambria County Orphans' Court Form 14.1.A.

(B) *Non-institutional Guardian of the Estate:* Where an individual has been appointed as the Guardian of the Estate of an Incapacitated Person, that individual shall file periodic reports on Form 14.1.B. attached to these Rules. Institutional Trustees, such as trust departments of banks or trust companies may file their periodic reports utilizing forms of a type generally used by them to reflect assets, income and expenditures of Trusts and Guardianship accounts.

FORM 14.1.A.

In Re: THE PERSON OF \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS OF
\_\_\_\_\_ Incapacitated, : CAMBRIA COUNTY, PENNSYLVANIA
: ORPHANS' COURT DIVISION
: FILE NO.: \_\_\_\_\_

PERIODIC REPORT
FROM \_\_\_\_\_, 199 \_\_, TO \_\_\_\_\_, 199 \_\_
OF THE GUARDIAN OF THE PERSON

1) I am the limited/plenary (circle one) Guardian of the Person of my ward, named above, and my address, including zip code, is: \_\_\_\_\_

My telephone number at work is ( \_\_ ) \_\_\_\_\_ and my telephone number at home is ( \_\_ ) \_\_\_\_\_.

2) I was appointed Guardian by Order of Court dated \_\_\_\_\_ which was/was not (circle one) modified by the following Court Order(s) \_\_\_\_\_

3) Ward's present age \_\_\_\_\_ and date of birth: \_\_\_\_\_

4) LIVING ARRANGEMENT:

a) Current address of my ward: \_\_\_\_\_

b) My ward's residence is: \_\_\_\_\_

- Ward's own home/apartment My home/apartment
Nursing Home Hospital or medical facility
Foster or boarding home Relative's home (Relationship)

c) My ward has been residing there since \_\_\_\_\_ (insert date)
If moved within the past year, state from where and the reason for change: \_\_\_\_\_

d) I rate my ward's living arrangement as:
\_\_\_\_\_ excellent \_\_\_\_\_ average \_\_\_\_\_ below average
Explain: \_\_\_\_\_

e) I believe my ward is:
\_\_\_\_\_ content with the living situation.
\_\_\_\_\_ unhappy with the living situation.
\_\_\_\_\_ unaware of the living situation.

5) PHYSICAL HEALTH:

a) My ward's current physical condition is:
\_\_\_\_\_ excellent \_\_\_\_\_ good \_\_\_\_\_ fair \_\_\_\_\_ poor

b) My ward's major physical health problems are as follows: \_\_\_\_\_

c) During the past year, my ward's physical condition has:
\_\_\_\_\_ remained about the same
\_\_\_\_\_ improved. Explain: \_\_\_\_\_
\_\_\_\_\_ worsened. Explain: \_\_\_\_\_

d) During the past year, my ward received the following medical treatment (include check-ups and dental work):

Table with 4 columns: Date, Ailment, Type of Treatment, Doctor's Name

6) MENTAL HEALTH: a) My ward's condition is \_\_\_\_\_ excellent \_\_\_\_\_ good \_\_\_\_\_ poor

b) My ward's major mental health problems are as follows: \_\_\_\_\_

c) During the past year, my ward's mental condition has
\_\_\_\_\_ remained about the same.
\_\_\_\_\_ improved. Explain: \_\_\_\_\_
\_\_\_\_\_ worsened. Explain: \_\_\_\_\_

d) During the past year, treatment or evaluation by a psychiatrist, psychologist or social worker \_\_\_\_\_ was
\_\_\_\_\_ was not provided. Such mental health services are briefly described as: \_\_\_\_\_



7) SOCIAL ACTIVITIES/SERVICES:

a) My ward's current social condition is:

\_\_\_\_\_ excellent \_\_\_\_\_ good \_\_\_\_\_ fair \_\_\_\_\_ poor

b) During the past year, my ward has participated in the following activities:

\_\_\_\_\_ recreational \_\_\_\_\_

\_\_\_\_\_ educational \_\_\_\_\_

\_\_\_\_\_ social \_\_\_\_\_

\_\_\_\_\_ occupational \_\_\_\_\_

\_\_\_\_\_ no activities available.

\_\_\_\_\_ my ward refused to participate in any activities.

\_\_\_\_\_ my ward was unable to participate in any activities.

8) LIST OF VISITS:

a) During the past year, I visited my ward as follows: \_\_\_\_\_

\_\_\_\_\_

b) The average amount of time I spent on each visit was \_\_\_\_\_

c) The last time I visited with my ward was on \_\_\_\_\_ (insert date)

9) ACTIVITIES:

During the past year, I performed the following activities on behalf of my ward:

\_\_\_\_\_

\_\_\_\_\_

10) I believe my ward has the following unmet needs: \_\_\_\_\_

\_\_\_\_\_

11) The Guardianship \_\_\_\_\_ should \_\_\_\_\_ should not be continued without modifications because: \_\_\_\_\_

\_\_\_\_\_

12) I am/am not (circle one) the guardian of my ward's estate. If yes, my report is attached.

VERIFICATION

I certify under the penalties of perjury that the information contained in this report is true and correct to the best of my knowledge, information and belief. I further certify that I have sent a copy of the Notice below to all those parties in interest listed in the original Petition to declare my ward incapacitated.

Dated: \_\_\_\_\_

Signature of Guardian of the Person

NOTICE

Please take notice that my periodic Report of the Guardian of the Person has been filed with the Orphans' Court of Cambria County, Pennsylvania. Should you desire a copy of that Report, you may obtain that copy by forwarding a check or money order made payable to The Orphans' Court of Cambria County, Pennsylvania, in the amount of \$3.00 to:

Orphans' Court  
Office of the Register of Wills  
Cambria County Courthouse  
Ebensburg, PA 15931

Signature of Guardian of the Person

FORM 14.1.B.

In Re: THE PERSON OF \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS OF  
\_\_\_\_\_ , : CAMBRIA COUNTY, PENNSYLVANIA  
Incapacitated :  
: ORPHANS' COURT DIVISION  
:  
: FILE NO.: \_\_\_\_\_

PERIODIC REPORT  
FROM \_\_\_\_\_, 199\_\_\_\_, TO \_\_\_\_\_, 199\_\_\_\_  
OF THE GUARDIAN OF THE ESTATE

1) I am the limited/plenary (circle one) Guardian of the Estate of my ward, named above, and my address, including zip code, is: \_\_\_\_\_

My telephone number at work is (\_\_\_\_) \_\_\_\_\_ and my telephone number at home is (\_\_\_\_) \_\_\_\_\_

2) I was appointed Guardian by Order of Court dated \_\_\_\_\_ which was/was not (circle one) modified by the following Court Order(s) \_\_\_\_\_

3) My initial Inventory was filed on \_\_\_\_\_ and listed a total estate value of \$ \_\_\_\_\_. The Inventory listed a total monthly income of \$ \_\_\_\_\_ comprised of the following: \_\_\_\_\_

4) At the beginning date of this reporting period, my initial balance on hand was \$ \_\_\_\_\_.

5) During this reporting period, the following reflects all sources of income (other than social security) received by me for my ward: Add additional pages if needed.)

	<i>Date Received</i>	<i>Source of Income</i>	<i>Amount</i>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
TOTAL			_____

6) During this reporting period, the following reflects all payments I have made for my ward: (Add additional pages if needed.)

	<i>Date</i>	<i>To whom paid</i>	<i>Reason for Payment</i>	<i>Amount</i>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
TOTAL				_____

7) The present principal assets of my ward are:

	<i>Description of Asset</i>	<i>Present Value</i>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
TOTAL		_____

8) The present amount and sources of income for my ward are:

	<i>Source of Income</i>	<i>Amount of Income</i> <i>(Indicate whether monthly, quarterly, annually)</i>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

9) The regular monthly expenses of my ward which I pay are:

	<i>To whom paid</i>	<i>Amount</i>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

10) I have/have not (circle one) petitioned the Court for permission to invade principal to meet the needs of my ward. (If applicable) The following expenses of my ward have been paid from principal:

	<i>To whom paid</i>	<i>Purpose</i>	<i>Amount</i>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

- 11) I have/have not (circle one) paid myself compensation for services I rendered as Guardian.  
The amount I paid myself totalled \$ \_\_\_\_\_ and was calculated at the following rate: \$ \_\_\_\_\_ per week/month (circle one).
- 12) (Circle the correct response and complete, if appropriate.)  
There will be no need for extraordinary expenditures on behalf of my ward in the next twelve (12) months.  
There will be a need for extraordinary expenditures on behalf of my ward in the next twelve (12) months because:  
\_\_\_\_\_  
\_\_\_\_\_
- 13) (Circle the correct response and complete, if appropriate.)  
a) My ward receives monthly social security benefits directly.  
b) I am the designated payee to receive my ward's social security benefits.  
c) The designated payee of my ward's social security benefits is \_\_\_\_\_  
\_\_\_\_\_ whose address is \_\_\_\_\_  
and is/is not (circle one) related to my ward as \_\_\_\_\_ (insert relationship)

### VERIFICATION

I certify under the penalties of perjury that the information contained in this report is true and correct to the best of my knowledge, information and belief. I further certify that I have sent a copy of this Report to all those parties in interest listed in the original Petition to declare my ward incapacitated and that I have added a Notice to those parties in the form below.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Guardian of the Estate

### NOTICE

Enclosed is a copy of my periodic Report as Guardian of the Estate. If you have any questions regarding this Report, please contact me. If you have any Objections to it, you are advised to prepare your Objections, in writing, make reference to the name of the incapacitated person and the Court file number, and, within thirty (30) days of receiving this Notice, mail or deliver the Objections to me at the address listed in my Report and to the:

Orphans' Court  
Office of the Register of Wills  
Cambria County Courthouse  
Ebensburg, PA 15931

\_\_\_\_\_  
Signature of Guardian of the Estate

### Rule 15.7.cc. Opening Impounded Documents.

**Rule 15.7.cc. Procedures Concerning Impounded Adoption Records:** Pursuant to the Pennsylvania Adoption Act of 1988, Section 2905, the following procedures shall be followed regarding adoption inquiries:

- (A) Adoption records are to be kept sealed and confidential. No employee, agent or official of the Register of Wills/Orphans' Court Office, or any other Cambria County Government employee, shall disclose the contents of adoption records or jeopardize the anonymity of the adoptee or any adoptee's natural parent without an order of the Orphans' Court.
- (B) All adoption inquiries shall be made by a formal petition. The petition shall be verified by counsel and petitioner, or notarized in the case of a *pro se* petition. Any petition not appropriately verified or notarized shall not be accepted by the Register of Wills. The petition forms to be used are attached to these Rules as Form 15.7.A. and 15.7.B. and made part of these Rules. The Register of Wills/Orphans' Court Office shall provide a copy of these forms upon request. No inquiry shall be accepted by the Register of Wills/Orphans' Court Office which does not substantially conform with Forms 15.7.A. or 15.7.B., as applicable.
- (C) The filing fee for adoption inquiries shall be \$20.00 payable to the Register of Wills.
- (D) An adoptee, and only an adoptee, may petition for disclosure of non-identifying information regarding disclosure of adoption records. Absent a showing of exceptional circumstances, such as the past commission of fraud on the Orphans' Court in adoption proceeding, no one other than an adoptee may obtain disclosure of said non-identifying information. See *In Re Adoption of B.E.W.G.*, 513 A.2d 1061, 1065 (Pa. Super. 1986).
- (E) The types of non-identifying information to be disclosed, if contained in the adoption records include: (1) The ages, religious persuasions and race of the biological parents; (2) The health of the adoptee at the time of the adoption; (3) The general circumstances regarding the biological parents' relationship; (4) The reasons assigned for the adoption, and; (5) The length of time the adoptee was in the custody of the adoptive parents prior to the adoption. See *In Re Petition to Release Adoption Records Pursuant to 23 Pa.C.S. 2905*, 653 A.2d 1254 (Pa. Super. 1995).

- (F) The research fee for disclosure of non-identifying information found in Orphans' Court and other Cambria County records shall be \$35.00, payable to the Register of Wills/Orphans' Court Office. A petition requesting only disclosure of whether or not a natural parent's waiver of anonymity has been filed shall not be subject to the non-identifying information fee. The law clerk for the President Judge of the Orphans' Court shall retrieve said non-identifying information.
- (G) An adoptee, and only an adoptee, may petition for the Orphans' Court to authorize a search for the purpose of contacting a natural parent to obtain their consent to disclosure of identifying information. Such a petition will be granted only upon the petitioner's demonstration of good cause to warrant the disclosure of an inspection of adoption records. Good cause includes a compelling medical need; for example, where the adoptee or his or her offspring is undergoing treatment for life threatening or debilitating illness and the adoptee's medical history is reasonably likely to aid treatment. No search shall be authorized simply to satisfy a petitioner's curiosity. In its discretion, the Court may grant a hearing to determine whether good cause exists, or may adjudicate the petition without a hearing. Even if the petitioner demonstrates good cause, the Court may nevertheless refuse to contact the natural parents if it believes there is a "substantial risk" that persons other than natural parents would learn of the adoptee's existence and relationship to the natural parents.
- (H) The Court shall conduct the search, described in Paragraph G above, through its agent. The search agent designated by the Orphans' Court shall be the Cambria County Children and Youth Agency. The search shall be conducted in conformity with Pennsylvania Code's "Statement of Policy on Adoption Record Disclosure Procedures" set forth at 55 Pa. Code § 33.50.101.
- (I) The search fee for attempting to locate the natural parents to request their consent to disclose adoption record information shall be \$50.00 per hour. Prepayment of three (3) hours (\$150.00) shall be required, and any portion of that fee not expended shall be refunded.
- (J) When a search is authorized, the Orphans' Court in no way guarantees that the natural parent will be located or will consent to disclosure of the adoption information. The Court has limited resources available for an investigation and a long period of time may have passed between the adoption proceeding and the adoption inquiry. It is hoped however, that a report of the results of the search shall be made to the adoptee within 120 to 180 days of the authorization to conduct the search.
- (K) The Register of Wills Office shall place into the sealed adoption files any waiver form filed by a natural parent of the adoptee granting permission to disclose to the adoptee *(or to the adoptee's guardian if the adoptee is less than eighteen (18) years of age)* any information related to that natural parent. The waiver form shall substantially conform to Form 15.7.C. attached hereto and hereby made a part of this Rule. The waiver shall be notarized. In no case shall the Register of Wills accept waiver forms from any person other than a natural parent of an adoptee. The waiver shall be filed without charge.
- (L) Upon a petition which adequately demonstrates that one or both natural parents are deceased or have consented to disclosure of adoption information, the Orphans' Court shall order the Register of Wills to disclose all information in the adoption records. The consent to disclose information by one natural parent shall not operate as a consent to disclosure by the other natural parent.
- (M) Forms 15.7.A., 15.7.B., and 15.7.C. may be attached and filed together simultaneously as a single petition subject to a single filing fee. All other pertinent search or research fees as set forth above shall be charged, however, where a combined petition is filed.
- (N) All forms are to be filed with the Register of Wills/Orphans' Court Office. The Register of Wills/Orphans' Court Office shall refuse to accept any adoption inquiry paper or pleading which is: incomplete, not typewritten, not in substantial conformity with this Rule, not appropriately signed and/or notarized, or for which the appropriate fees have not been paid.
- (O) The fees required by this Rule may be revised prospectively from time to time by administrative order.

**FORM 15.7.A.**

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

In Re: \_\_\_\_\_ :  
 :  
 :  
 PETITION FOR DISCLOSURE OF \_\_\_\_\_ : NO.: \_\_\_\_\_  
 NON-IDENTIFYING INFORMATION : Adoption Inquiry  
 FROM ADOPTION RECORDS :  
 :  
 Petitioner. :

**PETITION FOR DISCLOSURE OF NON-IDENTIFYING INFORMATION  
CONTAINED IN RECORDS OF ADOPTION PROCEEDING**

AND NOW, comes the Petitioner, \_\_\_\_\_, by and through his/her attorney, \_\_\_\_\_, Esquire [or, if no attorney, *Pro Se*] and files the following Petition for Disclosure of Non-Identifying Information Contained in Records of an Adoption Proceeding, and states:

1. Petitioner is an adult eighteen (18) years of age of older [or is an adoptive parent or guardian of an adoptee less than eighteen (18) years of age], and presently resides at \_\_\_\_\_.

2. Petitioner avers that to the best of his/her knowledge and belief he/she is an adoptee whose adoption proceeding was reasonably likely to have taken place in Cambria County, Pennsylvania.

3. Petitioner hereby petitions to discover any and all non-identifying information contained in Cambria County Orphans' Court records regarding the proceeding in which he/she was adopted, to the extent that such information will not jeopardize the anonymity of his/her natural parents.

4. The reasons why Petition is requesting the non-identifying information are as follows: \_\_\_\_\_

Respectfully submitted,  
By: \_\_\_\_\_

**VERIFICATION**

I, *(Petitioner's name)* \_\_\_\_\_, an adoptee *[or the adoptive parent or guardian of \_\_\_\_\_]* hereby verify that the averments of fact contained in the foregoing Petition for Disclosure of Non-Identifying Information Contained in Records of Adoption Proceeding are true and correct to the best of my personal knowledge, information and belief. I understand that these averments of fact are made subject to the penalties of 18 Purdon's Consolidated Statutes Section 4904, relating to unsworn falsifications to authorities.

\_\_\_\_\_  
[Pro Se] Petitioner

Date: \_\_\_\_\_

*(Note: All Pro Se Petitions must be sworn and subscribed by a notary public or they will not be accepted by the Register of Wills)*

**FORM 15.7.B.**

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

In Re: \_\_\_\_\_ :  
:   
:   
PETITION FOR AUTHORIZATION : NO.: \_\_\_\_\_  
OF A DESIGNATED SEARCH AGENT : Adoption Inquiry  
FOR THE PURPOSE OF CONTACTING :   
NATURAL PARENT :   
Petitioner. : \_\_\_\_\_

**PETITION FOR AUTHORIZATION OF DESIGNATED SEARCH AGENT  
FOR THE PURPOSE OF CONTACTING A NATURAL PARENT**

AND NOW, comes the Petitioner, \_\_\_\_\_, by and through his/her attorney, \_\_\_\_\_, Esquire *[or, if no attorney, as a Pro Se Petitioner]* and files the following Petition for Authorization of Designated Search Agent for the Purpose of Contacting a Natural Parent, and states:

1. Petitioner is an adult individual eighteen (18) years of age or older *[or is an adoptive parent or guardian of an adoptee less than eighteen (18) years of age]*. Petitioner presently resides at \_\_\_\_\_.

2. Petitioner avers that to the best of his/her knowledge and belief, he/she is an adoptee whose adoption proceeding took place in Cambria County, Pennsylvania.

3. Petitioner hereby petitions for authorization of a designated agent to search for and contact the natural parents of the adoptee.

4. The reasons why Petition is requesting the authorization are as follows: \_\_\_\_\_

Respectfully submitted,  
By: \_\_\_\_\_

**VERIFICATION**

I, *(Petitioner's name)* \_\_\_\_\_, an adoptee *[or the adoptive parent or guardian of \_\_\_\_\_]* hereby verify that the averments of fact contained in the foregoing Petition for Authorization of a Designated Search Agent for the Purpose of Contacting a Natural Parent are true and correct to the best of my personal knowledge, information and belief. I understand that these averments of fact are made subject to the penalties of 18 Purdon's Consolidated Statutes Section 4904, relating to unsworn falsifications to authorities.

\_\_\_\_\_  
[Pro Se] Petitioner

Date: \_\_\_\_\_

*(Note: All Pro Se Petitions must be sworn and subscribed by a notary public or they will not be accepted by the Register of Wills)*

FORM 15.7.C.

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

In Re:
:
:
NATURAL PARENT'S WAIVER OF CONFIDENTIALITY REGARDING ADOPTION PROCEEDINGS RECORDS NATURAL PARENT
: NO.:
: Adoption Inquiry
:
:
Petitioner. :

NATURAL PARENT'S WAIVER OF CONFIDENTIALITY REGARDING ADOPTION PROCEEDINGS RECORDS

AND NOW, comes the petitioner, \_\_\_\_\_, by and through his/her attorney, \_\_\_\_\_, Esquire [or, if no attorney, as a Pro Se Petitioner] and files this Waiver of Confidentiality Regarding Adoption Proceedings Records, and states:

- 1. Petitioner is an adult individual eighteen (18) years of age or older. Petitioner presently resides at \_\_\_\_\_
2. Petitioner avers that he/she is a natural parent of an adoptee whose adoption proceeding took place in Cambria County, Pennsylvania.
3. Petitioner hereby waives the confidentiality guaranteed to him/her under 23 Pa.C.S.A. § 5904 regarding records of the adoption of the child, (insert adopted child's name) \_\_\_\_\_. The effect of this waiver extends only to the above-named adoptee, or, in the event the adoptee is under eighteen (18) years of age, the above-named adoptee's guardian or adoptive parents.
4. Petitioner waives his/her confidentiality and authorizes disclosure of the following information: (Specify information to be disclosed.)
5. Petitioner petitions that this waiver be placed into the sealed permanent adoption records regarding the above-referenced adoptee, pursuant to 23 Pa.C.S.A. 2905(d)(2).

Respectfully submitted,
By: \_\_\_\_\_

(Note: This Waiver must be sworn and subscribed by a notary public or it will not be accepted by the Register of Wills)

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

In Re:
:
:
PETITION FOR DISCLOSURE OF NON-IDENTIFYING INFORMATION FROM ADOPTION RECORDS
: NO.:
: Adoption Inquiry
:
:
Petitioner. : OFFICE USE ONLY

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 199\_\_, it is hereby ORDERED and DECREED that the above-captioned Petition for \_\_\_\_\_ [describe matter here, leave all other blanks open] is GRANTED/DENIED. A hearing shall be held on this matter on \_\_\_\_\_.

By the Court
\_\_\_\_\_ J.
Judge of the Orphans' Court

CERTIFICATE

I, D. Gerard Long, President Judge of the Cambria County Court of Common Pleas, hereby certify that the foregoing Administrative Order and Orphans' Court Rules and forms are true and correct.

By the Court
\_\_\_\_\_ J.
D. Gerard Long, President Judge

[Pa.B. Doc. No. 96-583. Filed for public inspection April 12, 1996, 9:00 a.m.]

## MONTGOMERY COUNTY

Local Rules of Civil Procedure 272\* and 1041.1\*;  
No. 96-00001-2

## Order

And Now, this 18th day of March, 1996, the Court rescinds Montgomery County Local Rule of Civil Procedure 272\* relating to non-jury trials in asbestos cases, and approves and adopts the following Montgomery County Local Rule of Civil Procedure 1041.1\*—Asbestos Litigation—Special Provisions. This Rule shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

WILLIAM T. NICHOLAS,  
*President Judge*

**Rule 1041.1\* Asbestos Litigation—Special Provisions**

Asbestos litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:

(1) Local Rules 212\*(g), (h) and (i), 261\*(1), 262\*, 263\* and 264\* (relating to settlement conferences and trial lists) shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.

(2) In addition to the requirements of the Pennsylvania Rules of Civil Procedure and Local Rules 301\* and 302\*, copies of motions, petitions, responses thereto, and briefs, shall be served upon the law clerk for asbestos litigation. For matters subject to Local Rule 302\*, the filing of a praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be done by the Court with the assistance of the law clerk for asbestos litigation.

(3) Local Rule 4019\* pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided in Local Rule 4019\*, counsel shall notify the law clerk for asbestos litigation, who shall arrange for disposition of the matter by the Court.

(4) Arguments, hearings, and trials are ordinarily listed only before the judges assigned to the asbestos litigation.

*Comments:*

1. The Honorable Albert R. Subers and the Honorable William J. Furber, Jr., are the Judges assigned to the asbestos litigation. Judge Subers is the Administrative Judge for asbestos litigation.

2. By Order dated April 12, 1982, the law clerk for asbestos litigation is: Donald J. Martin, Esquire, 22 West

Airy Street, Norristown, PA 19401-4769, telephone: (610) 277-6772, Fax: (610) 277-4993.

3. The Orders scheduling cases for trial and settlement conferences ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

4. Except as stated in sub-paragraph D below, a discontinuance of an action as to less than all parties may not be entered without notice and an opportunity to respond to all other parties. This may be accomplished as follows:

A. If a stipulation is signed by counsel for all parties to the litigation, Pa.R.C.P. 229(b) does not require leave of court. The fully executed stipulation may be filed with the Prothonotary.

B. A petition for approval of discontinuance may be filed pursuant to Pa.R.C.P. 206.1 et seq., and Montgomery County Local Rule of Civil Procedure 301\*. A rule to show cause shall be requested on the cover sheet. The cover sheet should be followed by a form of order approving the discontinuance, by a petition, and by the original stipulation executed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued. Upon receipt of the return day from the Court Administrator counsel should serve all parties, and file with the Prothonotary a separate certification of service indicating service of the petition and the rule to show cause, noting the return day. If no answer is filed at or before the time the rule is made returnable, the petition will be forwarded by the Court Administrator to the Civil Signing Judge in accordance with the practice pertaining to any petition requiring a return day.

C. Stipulations for discontinuance signed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued may be presented to the Court at a scheduled settlement conference for the case in question. If no objection is raised at the conference, the Court normally approves the stipulation and returns it to counsel for filing and for service on all parties.

D. If a case has been settled by all parties from whom plaintiff seeks a recovery, a discontinuance may be entered as to any other parties by stipulation signed by counsel for plaintiff, the original of which shall be transmitted to the law clerk for asbestos litigation, with copies served on all other parties. The law clerk for asbestos litigation shall transmit the stipulation to the appropriate judge for approval. Since parties who may have claims for contribution or indemnification have not been given the opportunity to object, such a stipulation is subject to being stricken on the petition of an interested party. Counsel may wish to proceed in accordance with subparagraph B., above, to minimize this risk.

5. Certificates of service shall indicate the name and address of counsel or the parties on which service has been made. A certificate of service "on all parties", or "on all counsel of record" without stating who they are, does not establish service on anyone.

[Pa.B. Doc. No. 96-584. Filed for public inspection April 12, 1996, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

[31 PA. CODE CHS. 149 AND 151]

#### Automatic Subscriptions to the *Pennsylvania Bulletin* and *Pennsylvania Code*

The Insurance Department (Department), by this order, deletes Chapter 149 and amends § 151.14 (relating to fees) as set forth in Annex A, under the authority of 45 Pa.C.S. §§ 502, 503, 729—731, and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412). Notice of proposed rulemaking is omitted in accordance with section 204(1)(iii) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. § 1204(1)(iii) and (3)).

#### *Purpose*

The purpose of this final/omitted rulemaking is to eliminate obsolete regulations. By order published at 25 Pa.B. 2882 (July 22, 1995), the Joint Committee on Documents terminated the automatic subscription provisions as they related to the Department. The order is retroactive to July 1, 1995. Because there is no longer a requirement for insurance companies and other entities regulated by the Department to subscribe to the *Bulletin* and *Code*, and Chapter 149 and § 151.14(e) relate directly to this issue, there is no longer a need for the regulations.

In accordance with the former regulation at 1 Pa. Code § 15.13, each insurance company and entity regulated by the Department had been required to subscribe to the *Pennsylvania Bulletin* and *Pennsylvania Code*. Under those same provisions, the Department had been required to purchase subscriptions from the Department of General Services in the name of each regulated entity and assess the cost to each entity.

The purpose of §§ 149.1—149.4 was to permit affiliated insurance companies to designate one of their companies to subscribe on behalf of all of the companies affiliated in the group. The purpose of § 151.14(e) was to describe the obligation of continuing care providers to subscribe to the *Bulletin* and *Code*. The termination of the former regulatory provisions has rendered these regulations unnecessary and obsolete.

Notice of proposed rulemaking is omitted under section 204(1)(iii) of the CDL which provides that notice of proposed rulemaking may be omitted when the rulemaking relates to agency procedure or practice. In this instance, the rulemaking relates to procedures and practices of the Department which are no longer applicable. Under section 204(3) of the CDL, notice of proposed rulemaking may also be omitted if the agency finds that the notice procedures are impracticable and unnecessary (45 P. S. § 1204(3)). The Department finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are impracticable and unnecessary in this situation. Sections 149.1—149.4 and § 151.14(e) are made obsolete by the Joint Committee on Document's rulemaking eliminating the Department from the automatic subscription provisions of 45 Pa.C.S. § 731. The amendment of these sections relieves the affected parties of a regulatory procedure which no longer serves any purpose. The impacted parties received notice of the decision of the Joint Committee on Docu-

ments' rulemaking by virtue of their subscription to the *Pennsylvania Bulletin*. Furthermore, public comments cannot change the obsolete status of these regulations. Accordingly, the Department determined it is impractical and unnecessary to invite and consider comments from interested parties.

#### *Affected Parties*

The amendment of these sections will affect insurance companies and other entities regulated by the Department.

#### *Fiscal Impact*

There is no fiscal impact from the amendment of these sections.

#### *Paperwork*

There is no impact on paperwork as a result of the amendment of these sections.

#### *Effectiveness/Sunset Date*

This order is effective upon publication in the *Pennsylvania Bulletin*, and is retroactive to July 1, 1995. No sunset date has been assigned because the order amends obsolete regulations.

#### *Contact Person*

The person to contact for information on this matter is Thomas Lavelle, Chief, Budget and Fiscal Management, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4298.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the amendments with proposed rulemaking omitted on February 27, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. On the same date, the amendments were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, the amendments were deemed approved by the Senate Banking and Insurance Committee on March 18, 1996, and deemed approved by the House Insurance Committee on March 18, 1996. IRRC met on March 21, 1996, and approved the amendments.

#### *Findings*

The Insurance Commissioner finds that there is good cause to forego public notice of the intention to delete §§ 149.1—149.4 and amend § 151.14(e) because the amendments relate to agency procedure and because submitting notice for public comment is unnecessary and impractical under section 204(1)(iii) and (3) of the CDL. Amendment of the regulations eliminates a procedure made obsolete by the elimination of the Department from the automatic subscription provisions. Interested parties have received notice by publication in the *Pennsylvania Bulletin* of the elimination of their automatic subscriptions. Public comment cannot change the obsolete status of these regulations.

#### *Order*

The Insurance Commissioner, acting under the authority of 45 Pa.C.S. §§ 502, 503, 729—731 and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 orders that:



(a) The regulations of the Department, 31 Pa. Code Chapters 149 and 151, are amended by deleting §§ 149.1—149.4 and amending § 151.14 to read as set forth in Annex A.

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

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

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

LINDA S. KAISER,  
Insurance Commissioner

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 1603 (April 6, 1996).)*

**Fiscal Note:** 11-127. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 31. INSURANCE

#### PART VIII. MISCELLANEOUS PROVISIONS

##### CHAPTER 149. (Reserved)

##### §§ 149.1—149.4. (Reserved).

#### CHAPTER 151. CONTINUING CARE PROVIDERS

##### § 151.14. Fees.

(a) Upon each application for a certificate of authority, the applicant shall pay a fee of \$750 to the Commonwealth.

(b) Upon each petition for an extension of a temporary certificate of authority, the applicant shall pay a fee of \$100 to the Commonwealth.

(c) Upon each filing of an annual disclosure statement as required by section 7(b) of the act (40 P. S. § 3207(b)), the provider shall pay a fee of \$750 to the Commonwealth. This fee is not applicable to disclosure statements accompanying an application for a certificate of authority.

(d) A fee may not be charged for an amendment to an application for a certificate of authority, or for an amendment to or update of a disclosure statement or resident's agreement.

(e) Providers shall be subject to the fees set forth in The Administrative Code of 1929 (71 P. S. §§ 51—732), including but not limited to, the fees contained in section 612-A of The Administrative Code of 1929 (71 P. S. § 240.12A).

(f) Whenever an investigation, examination or rehabilitation is undertaken as authorized by the act, or as otherwise authorized by statute, the provider shall be assessed the expenses incurred by the Department, including compensation of Department employees or consultants, agents or trustees acting on behalf of the Department, and the expenses of these persons for travel, lodging and food, which amounts shall be assessed under 4 Pa. Code Chapter 40 (relating to travel and subsistence).

(g) Fees specified in this section shall be assessed and billed to providers in accordance with established Department procedures and this title.

[Pa.B. Doc. No. 96-585. Filed for public inspection April 12, 1996, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CHS. 53, 61, 63, 65, 69 AND 97]

#### Commission Property; Fish and Fishing; Boats and Boating

The Fish and Boat Commission (Commission) by this order amends Chapters 53, 61, 63, 65, 69 and 97. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments deal with Commission property, fish and fishing and boats and boating.

##### A. Effective Date

These amendments will take effect upon publication of this order.

##### B. Contact Person

For further information on the amendments, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

##### C. Statutory Authority

The amendments are published under the statutory authority of sections 741, 2102, 2307, 2903, 2907.2 and 5123 of the code.

##### D. Purpose and Background

The amendments update various Commission fishing, boating and property regulations. The amendments on personal flotation devices have been reviewed by the Commission's Boating Advisory Board.

##### E. Summary of Changes

(a) *Use of firearms on Commission property, § 53.7.* The Commission has amended its regulation on use of firearms on Commission property to make it clear that persons otherwise authorized by 18 Pa.C.S. §§ 6106 and 6109 (relating to firearms not to be carried without a license; and licenses) may carry firearms on Commission property. The Commission also reworded this regulation in the interests of clarity. On final rulemaking, the Commission corrected a wording error. The statutory authority for this change is section 741 of the code (relating to control of property).

(b) *Wear of PFDs by children, §§ 53.8 and 97.1.* The Commission has amended its regulations on wear of PFDs by children. Currently children age eight and younger are required to wear PFDs on boats operating on Commission and State Parks property. The amendment requires wear of PFDs by children 12 years of age or younger while underway on all open waters on any boat 20 feet or less in length and all canoes and kayaks. Extending the requirement that children wear PFDs to all waters (not just Commission and State Park lakes) will help promote safety and get youngsters in the habit of wearing these important life-saving devices. On final rulemaking, the Commission corrected a wording error in § 97.1. The statutory authority for this change is sections 741 and 5123 of the code (relating to control of property; and general boating regulations).

(c) *Delaware River and West Branch Delaware River, §§ 61.2 and 65.24.* The Commission has adopted several changes to its regulations on the Delaware River and the West Branch. It has changed the opening day for Walleye on the portion of the Delaware between New York and Pennsylvania from May first to the first Saturday in May. This change will make this opening day consistent with

that on other Commonwealth waters and is agreed to by New York. The second change reduces the minimum size limit and increases the daily limit on striped bass consistent with the recommendations of the Atlantic States Marine Fisheries Commission. The third change relates to establishment of a special no-kill artificial lures only season on trout on the West Branch of the Delaware River (Wayne County). The 8-mile stretch of the border waters of the West Branch of the Delaware River is managed as a trout fishery with a 12-inch two trout per day limit from mid-April through the end of September. This water is no longer stocked but managed through natural reproduction primarily from elsewhere in the drainage in New York. New York Department of Environmental Conservation fisheries personnel have expressed a strong desire to open this water to fall/winter angling but on a no-kill basis. To ease into this program, being that it will be out of phase with other trout waters in New York, use of only artificial lures is suggested. On final rulemaking, the Commission corrected a wording error. The statutory authority for this change is sections 2102 and 2307 of the code (relating to rules and regulations; and waters limited to specific purposes).

(d) *Bows, spears and gigs, § 63.8.* The Commission has adopted a clarifying change to its regulations on use of long bows and spears on the Delaware River. On final rulemaking, the Commission corrected wording errors and clarified that in addition to carp, gar suckers and eels, catfish and herring (except shad) may be taken by long bows, spears and gigs. The Commission also clarified that the special permit allowing persons with disabilities to use cross-bows or mechanically propelled spears and gigs is not available to persons who are blind. The statutory authority for this change is section 2102 of the code.

(e) *Select Trout Stocked Lake Program, § 65.10.* The Select Trout Stocked Lake program, inaugurated in 1995, proved very successful. It allows trout fishing in certain designated approved trout lakes during the month of March. The Commission has further expanded potential fishing opportunities on these lakes by eliminating the restrictions on ice fishing and fishing from boats. Depending on weather conditions and the location of a particular lake, anglers may well be able to fish for trout during this period in a safe and prudent manner from boats or, where applicable, from ice. The statutory authority for this change is sections 2102 and 2307 of the code.

(f) *Special restrictions on polluted zones, § 65.23.* The Commission has adopted a clarifying change to its regulations restricting harvest of fish from designated polluted zones to make it clear that possessing fish while in the act of fishing in these zones is a violation. The statutory authority for this change is sections 2102 and 2307 of the code.

(g) *Miscellaneous special regulations, § 65.24.* In addition to the change for the West Branch of the Delaware River, the Commission has adopted a change to the miscellaneous special fishing regulation applicable to the Little Juniata River in Blair and Huntingdon Counties. The change involves year 'round angling with a 14" minimum length limit and a two trout daily creel limit during the period from the opening day of the regular trout season through Labor Day. This is the same regulation as now applies to a 7 mile stretch of Penns Creek, Centre County, where it has been well received by anglers. The Commission conducted a public information meeting on this proposed change on December 18, 1995. The statutory authority for this change is sections 2102 and 2307 of the code. On final rulemaking, the Commis-

sion corrected the special regulation applicable to Penns Creek by inserting language that had been omitted inadvertently. This correction was made under § 51.5 (relating to correction of regulations).

(h) *Lake Erie and Lake Erie tributaries regulations, §§ 69.12—69.15.* The Commission has adopted several changes to its fishing regulations applicable to Lake Erie and the Lake Erie tributaries. The first relates to yellow perch. The purpose of this amendment is to conserve the yellow perch stocks by reducing recreational angler harvest of yellow perch. These regulations are designed to restore and sustain a yellow perch population in Lake Erie composed of older and larger fish. Reducing the harvest of yellow perch is necessary for recovery and long term stability of the yellow perch population in Lake Erie. Commercial fishing is being constrained by a quota system and gill netting will be eliminated beginning in 1996. Recreational harvest of yellow perch is essentially unrestricted. Presently, there is a year round season, no minimum size limit and the creel limit is 50 in combination with other panfishes. The 50 fish creel limit does not save any appreciable numbers of yellow perch. In order to accomplish these goals, the Commission has reduced the daily limit of yellow perch to 20 and imposed an 8-inch size limit.

The second change relates to trout, including steelhead, and salmon fishing on Lake Erie and its tributaries. Steelhead fishing in Lake Erie and its tributaries is popular. The Lake Erie Research Unit report "Lake Erie Steelhead Fishing Lake Angler Survey 17 April 1993—15 April 1994" indicated that closing the season to trout/salmon fishing in the first 2 weeks of April was eliminating more fishing trips than were produced by the stocked trout fishery which the stream closure protects. This study also showed that the average size of steelhead harvest was nearly 5 pounds and nearly 23 inches long. Recreational anglers have voiced concern over the glut-tony fostered by the regulations which allowed anglers to take up to eight steelhead or salmon during the regular trout season (first Saturday after April 11 to 12:01 a.m. the day after Labor Day). There are two major effects of the regulations:

1. Fishing for and harvesting steelhead and salmon is permitted year round; this will increase angler use of this valuable fishery during the first 2 weeks of April.

2. Harvest of steelhead and salmon is limited to 3 fish per day over 15 inches through the whole year on both Lake Erie and its tributaries.

Size, season and creel limit regulations which affect the harvest of stocked trout remain unchanged. These trout and salmon regulation changes do not apply to Conneaut Creek drainage. On final rulemaking, the Commission corrected the wording and the charts in §§ 69.13—69.15.

The statutory authority for these changes is section 2102 of the code.

(i) *Possession and display of Lake Erie Fishing permit, § 69.18.* A temporary Lake Erie Fishing permit was established by Act 1994-79. The act authorizes the Commission to promulgate regulations on the display of the special permit and the manner of affixing it to the fishing license. The permit is designed as a self-sticking stamp with instructions on where to affix it to the license. The new stamp worked well in the 1995 season. In order to clarify the requirements for display of this permit, which are provided to each angler when the stamp is issued, the Commission has adopted this regulation. This regulation is promulgated under the authority of section 2907.2 of the code.

(j) *Boundary water trap net and commercial fishing regulations, §§ 69.21, 69.24, 69.29, 69.31—69.33.* Effective January 1, 1996, commercial fisheries on Pennsylvania's regulated area of Lake Erie were no longer permitted to use gill nets. There has been interest expressed by the fisheries in pursuing commercial fishing with trap nets, which will continue to be permitted. A review of the trap net regulations indicated a need to make some corrections and clarification of the intentions of these regulations, and definition of the appearance and function of trap nets, as well as the number of separately licensed trap nets that would be permitted for each fishery. The regulations:

- (1) Correct the address for submitting catch reports.
- (2) Update the coordinates for the area where trap net fishing is permitted.
- (3) Provide a more comprehensive definition of trap nets.
- (4) Clarify limitations on use of trap nets.
- (5) Include amendments to commercial fishing regulations so that they conform to Act 1994-79 which banned gill nets on Commonwealth waters.
- (6) Provide that walleye caught out of season must be returned to the waters from which taken regardless of condition. Under prior regulations, such walleye were permitted to be retained and sold and counted against the total allowable catch. With the change in gear to trap nets, which should permit survival of the fish caught, this change is appropriate.

The statutory authority for these changes is section 2903 of the code.

#### F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments impose no new costs on the private sector or the general public.

#### H. Public Involvement

A notice of proposed rulemaking containing the proposed amendments was published at 25 Pa.B. 5738 (December 16, 1995). The Commission did not receive any public comments except as follows:

Prior to publication of the notice, the Commission received 14 comments in favor of changing §§ 53.8 and 97.1. The Commission, however, did not receive any public comments during the public comment period.

Although the Commission did not receive any public comments on the proposed changes to §§ 61.2 and 65.24 during the comment period, it did receive one comment prior to the formal comment period.

The Commission received 14 comments concerning the proposed change to § 65.24. In addition, prior to the formal comment period, the Commission received a petition, signed by 488 individuals, asking for no new regulations on the Little Juniata River. Since the petition was dated prior to consideration of this item by the Commission at its October, 1995 meeting, it is unclear whether the signers objected to the specific proposals. On December 18, 1995, the Commission held a public information meeting on the proposed regulation change. Of the more than 25 anglers in attendance, only two indicated opposi-

tion to the proposed change. Many of the commentators had suggestions for other regulatory schemes, but with the two exceptions, all favored these regulations as at least a first step.

The Commission did not receive any public comments concerning the proposed changes to §§ 69.12—69.15 during the formal public comment period. However, prior to the comment period, the Unified Sportsmen of Pennsylvania contacted the Commission on several occasions to express concerns with respect to the changes to the yellow perch regulations.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided and that all comments received were considered.

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

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 61, 63, 65, 69 and 97 are amended by amending §§ 53.8, 65.10, 65.23, 69.12, 69.21, 69.24, 69.29, 69.31—69.33; by deleting § 69.32 and by adding § 69.18 to read as set forth at 25 Pa.B. 5738 (December 16, 1995); and by amending §§ 53.7, 61.2, 63.8, 65.24, 69.13—69.15 and 97.1 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order, 25 Pa.B. 5738 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 25 Pa.B. 5738 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-52 remains valid for the final adoption of the subject regulations.

### Annex A

## TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

#### Subpart A. GENERAL PROVISIONS

#### CHAPTER 53. COMMISSION PROPERTY

##### § 53.7. Use of firearms.

It is unlawful for a person to carry or use firearms on Commission owned or controlled properties except for persons:

(1) Engaged in lawful hunting and trapping under § 53.5 (relating to hunting and trapping).

(2) Licensed to carry firearms under 18 Pa.C.S. § 6109 (relating to licenses) or authorized to do so in conform-

ance with 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license).

(3) Using .22 caliber rimfire weapons with shotshell only to take frogs during the open season unless otherwise posted.

**Subpart B. FISHING**

**CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS**

**§ 61.2. Delaware River and River Estuary.**

(a) It is unlawful to take, catch, kill or possess fish, except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. It is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(d) The following seasons, sizes and creel limits apply to the Delaware River and to Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
TROUT	8 a.m., first Saturday after April 11 to midnight, September 30	North of I-84: 14 inches	North of I-84: 1 (combined species)
		South of I-84: no minimum	South of I-84: 5 (combined species)
		West Branch Delaware River: * 12 inches	West Branch Delaware River: * 2 (combined species)
BASS Largemouth Smallmouth	Open year-round	12 inches	5 (combined species)
MUSKELLUNGE and MUSKELLUNGE HYBRIDS		30 inches	2 (combined species)
PICKEREL		12 inches	5
WALLEYE	Open year-round on the portion of the Delaware River between New Jersey and Pennsylvania; January 1 until midnight, March 14 and 12:01 a.m. first Saturday in May until midnight December 31, on the portion of the Delaware River between New York and Pennsylvania.	18 inches	3
SHAD	Open year-round	No minimum	6
HERRING		No minimum	No daily limit
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Trenton Falls: March 1 until March 31, and June 1 until December 31. From Trenton Falls upstream: open year-round	28 inches	2
STURGEON	No open season: Endangered Species		
BAIT FISH FISH BAIT	Open year-round	No minimum	50 (combined species)
BLUE CRAB**	Open year-round	Hard shell: 4 inches measured point to point. Soft shell: 3.5 inches measured point to point	1 bushel (combined species)

\*A special no-kill artificial lures only season is in effect on the West Branch of the Delaware River from October 1 to midnight, on the Friday before the opening day of trout season. See § 65.24.

\*\*It is unlawful for any person to possess a female crab bearing eggs from which the egg pouch or bunion has been removed.

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.8. Long bows, spears and gigs.**

(a) *General.* Except as otherwise provided in this part, carp, gar suckers and eels may be taken with a long bow, including compound and arrow; a spear; or gig any hour of the day or night aided by a light at night if so desired, in Commonwealth waters and waters bounding and adjacent thereto; except that there may be no spearing in the tributaries of Lake Erie from 7 p.m. to 7 a.m. daily.

(b) *Delaware River.* The following provisions apply to use of long bows, spears and gigs on the Delaware River:

(1) In addition to the species in subsection (a), herring, except shad, and catfish may be taken using long bows and arrow, spears or gigs.

(2) It is unlawful to use long bows and arrow, spears or gigs to take fish within 275 yards of an eel weir.

(3) Except as provided in paragraph (1), it is unlawful to take any fish on the Delaware River by means of long bows and arrow, spears or gigs.

(c) *Restrictions.* Spears or gigs may not be mechanically propelled, may not have more than five barbed points, and may not be used in approved trout waters.

(d) *Persons with disabilities.* The Executive Director, or a designee, may issue permits to persons exempt from the fishing license requirement under section 2709(b) of the code (relating to exemptions from license requirements)—except a person who is blind—and a person who is permanently deprived of the use of a leg or an arm or both arms allowing them to use crossbows or mechanically propelled spears and gigs subject to limitations and conditions as set forth in the permit. Persons who wish to apply for a permit under this section may apply on forms provided by: Director, Bureau of Law Enforcement, Pennsylvania Fish and Boat Commission, Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000.

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
		* * * * *
Blair and Huntingdon	Little Juniata River from the mouth of Bald Eagle Creek (near Tyrone) downstream to the railroad bridge at the east (downstream) border of Ironville.	No closed season on trout. Daily limit: Opening day of trout season to Labor Day—eight trout. Labor Day to succeeding opening day of trout season—three trout. Inland regulations apply to warmwater species.
	From the railroad bridge at the east (downstream) border of Ironville downstream to the mouth	Trout: Opening day of trout season in April until midnight, day before Labor Day. Minimum size limit: 14 inches Daily creel limit: 2 trout (combined species). Other species: inland regulations apply.
		* * * * *
Centre	Penns Creek	The following size and creel limits apply to an area from the confluence with Elk Creek at Coburn downstream a distance of 7 miles to the catch and release area; Trout—minimum size limit: 14 inches; daily creel limit: 2 trout per day (combined species) except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under regulation. Other inland seasons, size and creel limits apply.
		* * * * *
Wayne	West Branch Delaware River	Trout: From the Pennsylvania/New York border downstream to the confluence with the East Branch of the Delaware River: no-harvest artificial lures only season on trout from October 1 until midnight of the Friday before opening day of trout season. During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Anything other than these items is prohibited. Specifically prohibited are the use of molded facsimiles or replicas of insects, earthworms, fish eggs, fish or any invertebrate or vertebrate either singly or in combination with other materials. 2. The use or possession of natural bait, baitfish and fishbait and the use of other devices, natural or synthetic, capable of catching fish other than artificial lures is prohibited. 3. The daily creel limit for trout is 0.
		* * * * *

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES**

**§ 69.13. Seasons, sizes and creel limits—Lake Erie tributaries.**

(a) It is unlawful to take, catch, kill or possess fish except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from waters where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. It is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of a species of fish as specified in the chart in subsection (d) during 1 calendar day. It is unlawful to possess more than 1 day's limit of a species of fish as specified in the chart in subsection (d) except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it is a rebuttable presumption that a person transporting fish from a fishing site caught the fish during 1 calendar day. A fish is not considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(d) Except as provided in §§ 69.14 and § 69.15 (relating to special regulations applicable during the fall season; and miscellaneous special regulations) and for those waters listed as nursery waters, the following seasons, sizes and creek limits apply to the tributary streams of Lake Erie in this Commonwealth:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
TROUT and SALMON	8:00 a.m. first Saturday after April 11 until 12:01 a.m. the day after Labor Day.	9 inches	8 (combined species only 2 of which may be lake trout). Of the entire catch (combined species) only 3 fish total may exceed 15 inches in length.
	12:01 a.m. the day after Labor Day until the first Saturday after April 11.	15 inches	3 (combined species only 2 of which may be lake trout).
SMELT*	12:01 a.m. April 1 to midnight, May 31.	No minimum	No limit
FISH BAIT BAIT FISH	Open year-round (Except approved trout waters where fishing is prohibited from April 1 to opening day of trout season).	No minimum	50 (combined species)
BASS Largemouth Bass Smallmouth Bass	January 1 to opening day of trout season in April and first Saturday after June 11 until December 31 Opening day of trout season in April until first Saturday after June 11.	15 inches —	4 (combined species) 0 (closed season)
ALL OTHER SPECIES	Inland regulations apply except as provided in special regulations (See § 61.1)		

\*Smelt may be taken only in that portion of Lake Erie tributaries from the mouth of the stream in a southerly direction to State Highway No. 5, a distance of approximately ½ mile. In taking smelt from tributary streams, devices are limited to dip nets or seines not over 20 inches square or in diameter.

**§ 69.14. Special regulations applicable during the fall season.**

(a) Season.

This section applies from midnight on Labor Day until midnight on November 30.

(b) The following specific restrictions apply to streams marked with an "X" during salmon season described in subsection (a). It is unlawful for a person to fish in violation of these restrictions:

	Fishing permitted, no time restrictions	Fishing permitted except closed from 10 p.m. to 5 a.m.	Fishing permitted except closed from 10 p.m. to 5 a.m. south of Route 5.	Fishing prohibited	Fishing prohibited from 10 p.m. to 5 a.m. in areas of shoreline within 50 yards of mouth of stream	Fishing prohibited in portions designated as nursery waters	Remarks
Conneaut Creek	X						
W. Branch Conneaut Creek	X						
E. Branch Conneaut Creek	X						
Turkey Creek	X						
Raccoon Creek			X				
Crooked Creek			X			X	
Elk Creek			X			X	
Trout Run, including tributary				X	X		Wading Prohibited
Walnut Creek			X				
Godfrey Run				X	X		Wading Prohibited
Four Mile Creek		X					
Six Mile Creek		X					
Seven Mile Creek		X					
Eight Mile Creek		X					
Twelve Mile Creek		X					
Sixteen Mile Creek		X					
Twenty Mile Creek		X					
Peck Run				X			
Orchard Beach Run				X			
Cascade Creek		X					
Mill Creek		X					
Lake Erie Shoreline	X						50 yards (east and west) mouth of Trout Run and Godfrey Run—Closed from 10 p.m. to 5 a.m.
All other tributaries				X			

**§ 69.15 Miscellaneous special regulations.**

The following miscellaneous special regulations apply to the named waters, marked with an "X". It is unlawful to fish in violation of the following restrictions:

	Archery and spearing permitted in compliance with § 63.8 in areas north of Route 5 only during hours 7 a.m. to 7 p.m. only, from Jan. 1 to Labor Day. Archery and spearing prohibited at all other times and places	Fishing prohibited	Inland regulations for trout and salmon apply	Fishing prohibited in areas designated as nursery waters
Conneaut Creek			X	
W. Branch Conneaut Creek			X	
E. Branch Conneaut Creek			X	
Elk Creek	X			X
Trout Run*, including tributary		X*		
Godfrey Run*		X*		
Walnut Creek	X			
Orchard Beach Run		X		
Fairview Gravel Pits			X	

\*Wading prohibited from mouth of streams to weirs

**CHAPTER 97. OPERATOR PROVIDED EQUIPMENT**

**§ 97.1. Personal flotation devices.**

(a) A person may not use a recreational vessel unless at least one personal flotation device (PFD) of the following types is on board for each person:

- (1) Type I.
- (2) Type II.
- (3) Type III.

(b) A person may not use a recreational vessel 16 or more feet in length unless one Type IV PFD is on board in addition to the total number of PFDs required in subsection (a). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD.

(c) A Type V PFD may be carried in lieu of a PFD required under § 95.1(a) (relating to safety standards for boats) if:

- (1) The approval label on the Type V PFD indicates the device is approved for one of the following:
  - (i) The activity in which the vessel is being used.
  - (ii) As a substitute for a PFD of the type required on the vessel in use.
- (2) The PFD is used in accordance with requirements of the approval label.
- (3) The PFD is used in accordance with requirements in its owners manual, if the label makes reference to the manual.
- (d) Required PFDs shall be in good, serviceable condition, legibly marked showing the Coast Guard approval

number and whether it is a Type I, II, III, IV or V. They shall be of an appropriate size, child or adult, for the person for whom it is intended.

(e) Types I, II and III shall be stowed so as to be readily accessible. Type IV, buoyant cushion and ring buoy designed for throwing or grasping rather than wearing, shall be immediately available.

(1) "Readily accessible" means that PFDs are stowed where they can be easily reached, or are out in the open ready for wear. A PFD that is sealed in its original packaging is not readily accessible.

(2) "Immediately available" means that the PFD cannot be in a protective covering and shall be within arm's reach of the operator or passenger while the boat is being operated.

(3) A PFD that is sealed in its original packaging is neither immediately available nor readily accessible.

(f) This section does not apply to racing shells, rowing sculls and racing kayaks, such as manually propelled boats recognized by National racing associations for use in competitive racing, where the occupants row, scull or paddle with the exception of the coxswain, if one is provided, and which are not designed to carry and do not carry equipment not solely for competitive racing. Safety boats accompanying the boats shall carry a sufficient number of readily accessible Type I, II, III or V PFDs for the occupants of the shells, sculls or kayaks. This exemption does not apply on Commission and State Park owned or controlled boating waters.

(g) Coast Guard approved PFDs shall be acceptable as long as they are in good, serviceable condition with the approval clearly legible, even though the type number may not be contained in the marking because they are



earlier approved lifesaving devices. "Serviceable" means the PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable.

(h) Children 12 years of age and younger shall wear an approved type I, II, III or V PFD while underway on open waters on any boat 20' or less in length and all canoes and kayaks.

(i) Exemptions to this section are as follows:

(1) Prior to May 1, 1995, a Type IV PFD may be carried in lieu of any Type PFD required under subsec-

tion (a) for each person on a boat which is less than 16 feet in length.

(2) Prior to May 1, 1996, a Type IV PFD may be carried in lieu of any Type PFD required under subsection (a) for each person on the boat if the boat is:

(i) Leased or rented to another for the latter's pleasure as part of a livery or rental business.

(ii) Manually propelled.

[Pa.B. Doc. No. 96-586. Filed for public inspection April 12, 1996, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 181]

### MA Income Retroactive Eligibility

The Department of Public Welfare (Department), under the authority in section 403(b) of the Public Welfare Code (62 P. S. § 403(b)), intends to amend §§ 181.1, 181.12 and 181.14 (relating to general policy on MA income common to all categories of MA; retroactive eligibility; and eligibility under MNO-MA spenddown) as set forth in Annex A.

#### *Purpose*

The purpose of these proposed amendments is to amend the methodology used in determining retroactive eligibility for Medically Needy Only (MNO) Medical Assistance (MA). The current methodology contains an identified disparity in determining eligibility under MNO spenddown which provides an advantage to certain persons based on their application dates. The disparity is created when persons with similar income and circumstances have different application dates. The application date determines the methodology used to determine retroactive eligibility. When eligibility is determined, there may be a disparity in the spenddown amount. The spenddown amount is that part of the provider's bill for which the client is responsible. The proposed amendments attempt to remove this disparity and are an option available to the Department under governing Federal regulations. For determining income eligibility for retroactive eligibility coverage for MNO-MA, the total amount of income available in the combined retroactive and prospective period, a consecutive 6-calendar months, will be used. The methodology for the nonmoney payment MA will remain unchanged.

#### *Background*

The amendments conform with a final rule published by the Health Care Financing Administration (HCFA) at 59 FR 1659 (January 12, 1994) amending 42 CFR 435.831. This final rulemaking provides several options for simplifying the administration/methodology in determining retroactive eligibility for MNO-MA. The Commonwealth has chosen to implement Provision B, which allows the combination of the retroactive and prospective budget periods into a single consecutive 6-calendar month period.

#### *Need for Amendments*

An applicant for MA may be eligible for MA to cover the costs of medical expenses which were incurred prior to the date of application. The period prior to the date of application is known as the retroactive period and may begin as early as the first day of the third calendar month prior to the month of application. For example, for an applicant applying for MA on June 15, the earliest retroactive period date is March 1.

Current methodology requires that a month-by-month calculation be made for each month during the retroactive period for which payment for a service is being requested. For example, an applicant of June 15 has a hospital bill for the month of May and a doctor bill for the month of March with no medical service received in April. Separate

eligibility calculations would be made for the months of March and May based upon available income and resources for those months.

The month-to-month concept used in determining eligibility under MNO spenddown has created a disparity between those individuals who apply and sign the application at the time MA services are received and those individuals who apply and sign the application at a later date. The result of the month-to-month concept used in determining eligibility under MNO spenddown is that the amount of income to be paid towards MA services by individuals with similar income and circumstances varies greatly depending on the date of the individual's signature on the application form. For example, Mr. Jones is admitted to the hospital on April 1 and signs an application on April 1. Under the current regulations, the income for 6 months of April through September is used to determine eligibility for the month of April. Mr. Smith is admitted to the hospital on April 1, but does not sign an application until June 1. The income for only the month of April is used to determine eligibility for the month of April. The spenddown amount for which Mr. Jones is responsible will be much greater than that for Mr. Smith. This is because the spenddown amount is determined by an applicant's income. The eligibility determination for Mr. Jones uses 6 months of income. The eligibility determination for Mr. Smith uses only 1 month of income. That 1 month of income includes the period for Mr. Smith's hospitalization. As Mr. Smith is hospitalized, his income for that month is probably very low. Therefore, Mr. Smith's spenddown amount would be very low based on his 1 month of low income and high medical expenses.

The Department proposes to lessen the disparity by requiring that for retroactive MNO coverage, the income received during the entire retroactive period (up to 3 months) is combined with the income of the entire first prospective budget period. This combined period must always equal a consecutive 6-calendar month period, unless the applicant/recipient is deceased, resulting in a period that is less than 6 months. This period would be used to determine eligibility. For instance, in the preceding example, Mr. Jones would continue to have 6 months of income used to determine eligibility. However, Mr. Smith would have 2 months of retroactive income (April, May), combined with 4 months of prospective income (June, July, August, September), for a total consecutive 6-calendar month period to determine eligibility, versus only 1 month of income as the current regulations permit. The new methodology will eliminate the previous disparity and treat both applicants equally. In addition, the new methodology eliminates the advantages to the applicant of reapplying in order to achieve eligibility or a lower spenddown amount.

#### *Summary*

1. Section 181.1(b) is amended to state that in determining income eligibility for retroactive coverage for MNO-MA, the total amount of income available to the applicants/recipients in the combined retroactive and prospective period, a consecutive 6-calendar months, is used. The combined period can be less than 6 months only if the applicant/recipient is deceased.

2. Section 181.12(a) is amended to state that the period of eligibility for retroactive MA benefits differs between NMP and MNO. Currently both determine eligibility for retroactive MA benefits by using the methodology of

month-by-month computations. The section is amended to change the MNO methodology to combine both the retrospective and prospective months to create a consecutive 6-calendar month period to determine eligibility. The NMP methodology of month-by-month computation remains unchanged.

3. Section 181.12(c) is amended to state that income eligibility for retroactive MNO benefits is determined by using the combined retroactive and prospective period, a consecutive 6-calendar month period.

4. Section 181.14(d)(1)(v) is amended to specify that unpaid medical expenses must be incurred during the retroactive period to be deductible.

5. Section 181.14(e)(4) and (5) is amended to specify that unpaid medical expenses incurred before the retroactive period are not deductible from income in the combined retroactive/prospective period.

*Affected Persons and Organizations*

These proposed amendments will affect all applicants/recipients whose eligibility for retroactive MA is determined under MNO-MA.

*Benefits*

Implementation of these amendments ensures equal treatment of all applicants/recipients, regardless of the application date, in computing eligibility for MNO-MA benefits.

*Fiscal Impact*

*Commonwealth*

Assuming an implementation date of June 1, 1996, savings are estimated in the amount of \$3.451 million (\$1.627 million in State funds) for Fiscal Year 1996-1997.

*Public Sector*

These proposed amendments have no fiscal impact on county or local government.

*Private Sector*

These proposed amendments have no fiscal impact on the private sector.

*Paperwork Requirements*

These proposed amendments require no additional forms or reports.

*Effective Date*

These proposed amendments are effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

*Sunset Date*

No sunset date is applicable. The Department continuously reviews the MA Program and regulations through the Federally-monitored quality control process. The HCFA staff conducts audits periodically on specific aspects of the MA Program.

*Public Comment Period*

Interested persons are invited to submit written comments, suggestions or objections regarding these proposed amendments to the Department of Public Welfare, Patricia H. O'Neal, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081, within 30 calendar days of the date of publication of this notice in the *Pennsylvania Bulletin*. Comments received within 30-calendar days will be reviewed and considered in the preparation of the final regulations.

Comments received after the 30-day comment period will be considered for subsequent revisions of these regulations.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users), or may use a Department's TDD by calling (717) 787-3616. Persons who require another alternative, should contact India Wood at (717) 783-2212.

*Regulatory Review*

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

If IRRC has objections to any portion of the proposed amendments, it will notify the Department by June 12, 1996. 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 the final publication of the amendments, by the agency, the General Assembly and the Governor of objections raised.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-434. No fiscal impact; (8) recommends adoption. Amending the methodology used to determine retroactive eligibility for MNO-MA would result in a savings to the MA—Inpatient appropriation of \$1.627 million for Fiscal Year 1996-97 and a savings of \$1.775 million annually thereafter.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART II. PUBLIC ASSISTANCE MANUAL**

**Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE**

**CHAPTER 181. INCOME PROVISIONS FOR CATEGORICALLY NEEDY NMP-MA AND MNO-MA**

**Subchapter A. GENERAL PROVISIONS FOR MA INCOME COMMON TO ALL CATEGORIES OF MA**

**GENERAL PROVISIONS FOR MA INCOME**

**§ 181.1. General policy on MA income common to all categories of MA.**

\* \* \* \* \*

(b) In determining income eligibility for MNO-MA, the total amount of income available to the applicants/recipients in a consecutive 6-calendar month period is used. In determining income eligibility for retroactive eligibility coverage for MNO-MA, the total amount of income available to the applicants/recipients in [each calendar month] the combined retroactive and prospective period, a consecutive 6-calendar month period, is used. The combined period can be less than 6 months only if the applicant/recipient is deceased.

\* \* \* \* \*

**CONTINUING AND RETROACTIVE ELIGIBILITY PROVISIONS FOR ALL CATEGORIES OF MA**

**§ 181.12. Retroactive eligibility.**

(a) The earliest possible date for retroactive MA benefits to begin is the first day of the third month preceding the month of application.

(1) The period of eligibility for retroactive MA benefits under NMP-MA begins with the first day of the month in the retroactive period in which the first medical service was incurred, if the applicant was otherwise eligible during that month.

(2) The period of eligibility for retroactive MA benefits under MNO-MA begins with the first day of the month in the retroactive period in which the first medical service was incurred, if the applicant was otherwise eligible during that month.

\* \* \* \* \*

(c) For MNO-MA categories, income eligibility for retroactive MA benefits exists if one of the following applies:

(1) The applicant's/recipient's countable [ monthly ] net income in the combined retroactive/prospective period is equal to, or less than, the appropriate MNO-MA [ monthly ] 6-month period income limits in Appendix [ G ] F.

(2) The applicant's/recipient's countable [ monthly ] net income in the combined retroactive/prospective period, less medical expenses is equal to, or less than, the appropriate MNO-MA [ monthly ] 6-month period income limits in Appendix [ G ] F. Unpaid medical expenses incurred no earlier than the beginning of the retroactive period that are not subject to payment by a third-party, which remain the legal obligation of the applicant/recipient, and are not to be paid for under the MA Program once MA is authorized, and paid medical expenses, are deducted from the countable [ monthly ] net income in the combined retroactive/prospective

period as provided under § 181.14(e)(1)—(5) (relating to eligibility under MNO-MA spenddown). [ This includes ] Unpaid medical expenses incurred before the retroactive period are not deductible from income in the combined retroactive/prospective period.

**§ 181.14. Eligibility under MNO-MA spenddown.**

\* \* \* \* \*

(d) Deductible medical expenses include:

(1) Unpaid medical expenses, including those reasonably expected to be incurred, which meet the requirements in this paragraph. The unpaid medical expenses:

\* \* \* \* \*

(v) Shall be incurred no earlier than the beginning of the retroactive period.

\* \* \* \* \*

(e) Medical expenses meeting the requirements in subsection (d) are deducted from the countable net income in the following order:

\* \* \* \* \*

(4) Paid and unpaid expenses incurred by the applicant/recipient for necessary medical and remedial services recognized under State statutes or regulations but not included in the MNO-MA Program. Unpaid medical expenses incurred before the retroactive period are not deductible from income in the combined retroactive/prospective period.

(5) Paid and unpaid expenses incurred by the applicant/recipient for necessary medical and remedial services that are included in the MNO-MA Program. Unpaid medical expenses incurred before the retroactive period are not deductible from income in the combined retroactive/prospective period.

\* \* \* \* \*

[Pa.B. Doc. No. 96-587. Filed for public inspection April 12, 1996, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 2, 1996.

#### BANKING INSTITUTIONS

##### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
4-1-96	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	438 Wood Street Pittsburgh Allegheny County	Effective
	Represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank. Subject bank will be a wholly-owned subsidiary of Pittsburgh Home Financial Corp., Pittsburgh, a new bank holding company.		
4-2-96	Dollar Savings Association New Castle Lawrence County	32 North Mill St. New Castle Lawrence County	Approved
	<i>To:</i>		
	Dollar Savings Bank New Castle Lawrence County		
	Conversion from a State-chartered stock savings association to a State-chartered savings bank being effected solely to facilitate the merger of the resulting savings bank with and into the First National Bank of Pennsylvania, Hermitage.		

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-25-96	Wayne Bank Honesdale Wayne County	Honesdale	Effective
	Purchase of assets/assumption of liabilities of three branch offices of Meridian Bank, Reading, located at:		
	Route 370 and Lake Como Road Lakewood Wayne County	Jackson Street Thompson Susquehanna County	
	Richardson Avenue Shohola Pike County		
3-29-96	Wayne Bank, Honesdale, and Wayne Interim Bank, Honesdale surviving institution—Wayne Bank, Honesdale	Honesdale	Effective
	Subject merger is being effected solely to facilitate the acquisition of Wayne Bank, Honesdale, by Norwood Financial Corp., Honesdale, a new bank holding company.		
3-29-96	Northwest Savings Bank, Warren, and First Federal Savings Bank of Kane, Kane	Warren	Effective
	surviving institution—Northwest Savings Bank, Warren		
	<i>Branches Acquired:</i>		
	56 Fraley Street Kane McKean County	601 Main Street Clarion Clarion County	
	97 South Main Street Clarion Clarion County		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-96	Farmers & Merchants Trust Company Chambersburg Franklin County	Menno Haven Penn Hall Retirement Community 1425 Philadelphia Ave. Chambersburg Franklin County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-25-96	Indiana First Savings Bank Indiana Indiana County	<i>To:</i> Townfair Center 475 Ben Franklin Road South White Township Indiana County  <i>From:</i> 2450 Route 422 West Indiana White Township Indiana County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-28-95	Heritage Trust Company Erie Erie County	381 Mansfield Ave. Pittsburgh Allegheny County	Effective
4-2-96	First Valley Bank Bethlehem Northampton County	639 South Main St. Wilkes-Barre Luzerne County	Filed

**Section 112 Applications**

<i>Date</i>	<i>Name of Individual</i>	<i>Location</i>	<i>Action</i>
3-18-96	Edwin C. Hostetter to acquire up to 20,000 additional shares of common stock of Jonestown Bank and Trust Company of Jonestown, PA	Jonestown	Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-29-96	Lee Hospital Credit Union Johnstown Cambria County	Homewood of Martinsburg 430 S. Market St. Martinsburg Blair County	Filed

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-588. Filed for public inspection April 12, 1996, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 1996**

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of May is 9 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real

property which such individual owns and which such individual occupies or has occupied as a principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 6.72 to which was added 2.50 percentage points for a total of 9.22 that by law is rounded off to the nearest quarter at 9 1/4%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-589. Filed for public inspection April 12, 1996, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the 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 0096962.** Industrial waste, SIC: 7542, **Charles Rupp**, 206 Butler Road, Kittanning, PA 16201.

This application is for renewal of an NPDES permit to discharge treated process water from Highlands Car Wash Treatment Facility in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Allegheny River, 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Buffalo Township Municipal Authority, Freeport Plant, located on the Allegheny River approximately 15 miles below the discharge point.

Outfall 001: existing discharge, design flow of .004815 mgd.

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25		50
Suspended Solids	30		60
Oil and Grease	15		30
Lead	0.04		0.10
Dissolved Iron	3.5		7
Fecal Coliforms	monitor and report		
1st month—12th month	monitor and report		
13th month—expiration (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	20,000/100 ml as a geometric mean		
Total Residual Chlorine (Effective if chlorination facilities installed)	1.4		3.3
pH	6.0—9.0		

The EPA waiver is in effect.

**PA 0021610.** Sewage, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717.

This application is for issuance of an NPDES permit to discharge treated sewage from the Blairsville Borough STP in the Borough of Blairsville, **Indiana County**.

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

Outfall 001: existing discharge, design flow of .903 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		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 mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0217301.** Sewage, **Conemaugh Township Supervisors**, R. D. 4, Box A-20, Johnstown, PA 15905.

This application is for issuance of an NPDES permit to discharge treated sewage from the Jerome Wastewater Treatment Plant in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Quemahoning Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works located on the Conemaugh River.

Outfall 001: new discharge, design flow of 0.17 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5	6.8		9.0
(11-1 to 4-30)	13.5	20.3		27.0
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	0.2			0.7
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0026913.** Sewage, **The Municipal Authority of the City of McKeesport**, 100 Atlantic Avenue, McKeesport, PA 15132.

This application is for renewal of an NPDES permit to discharge treated sewage from The McKeesport Water Pollution Control Plant in the City of McKeesport, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company Becks Run Station.

Outfall 001: existing discharge, design flow of 11.5 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			



Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	monitor and report			
1st month—36th month				
37th month—expiration	.5			1.6
pH	6.0—9.0			

*Other Conditions:* Outfalls 004 through 033 will be permitted as combined sewer overflows.

The EPA waiver is not in effect.

**PA 0096466.** Sewage, **Cyprus Emerald Resources Corporation**, 145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370.

This application is for renewal of an NPDES permit to discharge treated sewage from Cyprus Emerald Number 4 Portal Sewage Treatment Plant in Franklin Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Smith Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri County Joint Municipal Authority.

Outfall 005: existing discharge, design flow of .025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

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

**PA 0031640.** Sewage, **General McLane School District**, 11771 Edinboro Road, Edinboro, PA 16412.

This application is for renewal of an existing NPDES permit to discharge treated sanitary sewage from a middle school and a high school to an unnamed tributary to Conneauttee Creek in Washington Township, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority, located on French Creek in the City of Franklin, Venango County, which is approximately 50 miles downstream from the point of discharge.

The proposed effluent limits for Outfall 001 based on average design flow of 0.025 mgd are:

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.5	1.2
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 standard units at all times	

The EPA waiver is in effect.

**PA 0090336.** Industrial waste, SIC: 4941, **Mars Borough Water Treatment Plant**, Banks Street Facility, P. O. Box 395, Mars, PA 16046.

This application is for renewal of an NPDES permit to discharge treated industrial waste to Breakneck Creek in Adams Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Connoquenessing Creek and Zelenople located at Jackson Township, Butler County, approximately 13 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0052 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids	30	60	75
Total Iron	2	4	5
Aluminum	4	8	10
Manganese	1	2	2.5
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0221996.** Sewage, **Motheral, Inc.**, 400 Hastings Street, Pittsburgh, PA 15206.

This application is for a new Part I NPDES permit to discharge treated sewage to an unnamed tributary to Glade Run in Middlesex Township, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Connoquenessing Creek and is used by the Zelenople Municipal Water Works which is 20.3 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.002000 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Phosphorus (4-1 to 10-31)	2.0	4.0
Ammonia-Nitrogen (5-1 to 10-31)	1.7	3.4
(11-1 to 4-30)	5.4	10.2
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	0.04	0.09
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

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

**PA 0011894.** Industrial waste, **Dal-Tile International**, 1000 Cannon Avenue, Lansdale, PA 19446.

This application is for renewal of an NPDES permit to discharge treated process wastewater from Dal-Tile International in Lansdale Borough, **Montgomery County**. This is an existing discharge to unnamed tributary to the west branch of Neshaminy Creek.

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

The proposed effluent limits for Outfall 002 during the period from issuance through completion of third year of the permit, based on an average flow of 162,000 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>
Total Dissolved Solids (NET)	1,000	2,000	2,500
Total Suspended Solids	30	60	75
Total Barium	1.0	2.0	2.5
Total Cadmium	0.0025	0.0050	0.0062

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.035	0.070	0.088
Total Zinc	0.13	0.26	0.33
Total Lead	0.05	0.10	0.12
Boron	monitor/report		
Chromium, Hex.	monitor/report		
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 002 during the period beginning of fourth year of the permit through expiration based on an average flow of 162,000 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>
Total Dissolved Solids (NET)	1,000	2,000	2,500
Total Suspended Solids	30	60	75
Total Barium	1.0	2.0	2.5
Total Cadmium	0.0025	0.0050	0.0062
Total Copper	0.025	0.050	0.062
Total Zinc	0.13	0.26	0.33
Total Lead	0.05	0.10	0.12
Boron	monitor/report		
Chromium, Hex.	0.015	0.030	0.037
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 003 for stormwater are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	monitor/report	monitor/report
COD	monitor/report	monitor/report
Oil and Grease	monitor/report	monitor/report
pH	within limits of 6.0—9.0 standard units at all times	
Total Suspended Solids	monitor/report	monitor/report
Total Kjeldahl Nitrogen	monitor/report	monitor/report
Total Phosphorus	monitor/report	monitor/report
Iron (Dissolved)	monitor/report	monitor/report

*Other Conditions:*

Final WQBELs for Chromium VI and Total Copper.  
Requirement to submit a toxics reduction evaluation.  
Special Test Methods for certain pollutants.

The EPA waiver is in effect.

**PA 0054143.** Sewage, **John Schmoock**, 46 First Avenue, P. O. Box 430, Richlandtown, PA 18955.

This application is for renewal of an NPDES permit to discharge treated sewage from John Schmoock's residence in Richland Township, **Bucks County**. This is a new discharge to dry swale tributary to Tohickon Creek.

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

The proposed effluent limits for Outfall 001 based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine		monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0023256.** Amendment No. 2. Sewage, **Upper Gwynedd Township Authority**, P. O. Box 1307, North Wales, PA 19454.

This application is for amendment of an NPDES permit to discharge treated sewage from a wastewater treatment facility in Upper Gwynedd Township, **Montgomery County**. This is an existing discharge to Wissahickon 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 draft permit amendment provides notice of a site-specific criteria modification. Based on the results of a recalculation and water effects ratio study and a hardness of 200 mg/l as CaCO<sub>3</sub>, the Department proposes the site specific chronic and acute life criteria for total recoverable copper of 0.17 mg/l and 0.27 mg/l, respectively. Based on the results of a recalculation study and a hardness of 200 mg/l as CaCO<sub>3</sub>, the Department proposes the site specific chronic and acute life criteria for total recoverable zinc of 0.53 mg/l and 0.58 mg/l respectively.

The proposed revised effluent limits for total recoverable copper and zinc from the period from issuance of the permit amendment to expiration based on an average flow of 4.5 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>
Total Copper	monitor/report
Total Zinc	no monitoring required

**PA 0043818.** Industrial waste, **Geological Reclamation Operations and Waste Systems, Inc. (G.R.O.W.S.)**, 1000 New Ford Mill Road, Morrisville, PA 19067.

This application is for amendment of an NPDES permit to discharge treated industrial wastewater from G.R.O.W.S., Inc. leachate treatment plant in Falls Township, **Bucks County**. This is an existing discharge to Delaware River (Zone 2).

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

The proposed permit changes for Outfall 001, for the period beginning with issuance and lasting through period ending 18 months after issuance of the Part II construction permit based on an average flow of 100,000 GPD are as follows:

Page 2d of 14—deleted parameter Bis-(chloromethyl) Ether.

Page 14a of 14—Changed the test method for Beryllium from EPA Method 210.2 (AA, Furnace) to EPA Method 200.7 (ICP).

The proposed permit changes for Outfall 001 for the period 18 months after issuance of the Part II construction permit and lasting through expiration based on an average flow of 50,000 gpd are as follows:

Page 2i of 14—deleted parameter Bis-(chloromethyl) Ether.

Page 14a of 14—Changed the test method for Beryllium from EPA Method 210.1 (AA, Furnace) to EPA Method 200.7 (ICP).

The EPA waiver is in effect.

**PA 0056791.** Industrial waste, **Sun Oil Company, Inc.**, 1835 Market Street, Philadelphia, PA 19103.

This application is for issuance of an NPDES permit to discharge treated groundwater from a groundwater remediation system to Trout Run in Marple Township, **Delaware County**. This is a new discharge to Trout Run.

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

The proposed effluent limits for Outfall 001 based on an average flow of 7,200 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>
pH	within limits of 6.0—9.0 standard units at all times		
Benzene	.001	.002	.0025
Total BTEX	0.1	0.2	0.25
Ethylbenzene	monitor/report	monitor/report	
Toluene	monitor/report	monitor/report	
Total Xylene	monitor/report	monitor/report	

The EPA waiver is in effect.

**PA 0050148.** Sewage, **Warwick Township Water and Sewer Authority**, P. O. Box 315, Jamison, PA 18929.

This application is for renewal of an NPDES permit to discharge treated sewage from Fish Creek STP in Warwick Township, **Bucks County**. This is an existing discharge to Fish Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.6 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.0		6.0
Nitrate and Nitrate (as N)			
(7-1 to 10-31)	9.5		19.0
Phosphorus (as P)	2.0		4.0
Total Residual Chlorine	0.04*		0.12*
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

\*Limits effective 2 years after permit issuance date.

The EPA waiver is in effect.

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

**PA 0020168.** Sewerage, **Borough of East Stroudsburg**, P. O. Box 303, East Stroudsburg, PA 18301.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Brodhead Creek in the Borough of East Stroudsburg, **Monroe County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 2.25 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	9.5	14.3	18.0
Fecal Coliforms	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0—9.0 standard units at all times		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1.0		2.30

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 0007773.** SIC: 3471, Industrial waste, **Electro-Platers of York, Inc.**, 209 East Willow Street, Wrightsville, PA 17368.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Susquehanna River, in Wrightsville Borough, **York County**.

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

The proposed effluent limits for Outfall 001 for a design flow of .06 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
CBOD <sub>5</sub>	monitor and report		
Total Suspended Solids	30	60	75
Oil and Grease	12	24	30

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cadmium	.26	.69	.9
Total Chromium	1.71	2.77	4.3
Total Copper	2.07	3.38	5.2
Total Lead	.43	.69	1.08
Total Nickel	2.38	3.98	6
Total Silver	.24	.43	.6
Total Zinc	1.48	2.61	3.7
Cyanide (A)	.32	.86	1
Total Toxic Organics		2.13	
pH	within limits of 6—9 (s.u.) at all times		

The EPA waiver is not in effect.

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

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

The 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>
PA 0081311	S. Londonderry Twp. M.A. (Colebrook WWTP) Box 3 Campbelltown, PA 17010-0003	Lebanon S. Londonderry Township	Conewago Creek	TRC
PA 0082015	Meadows Sewer Company 5015 E. Trindle Rd. Mechanicsburg, PA 17055-3622	Cumberland Middlesex Township	Conodoguinet Creek	TRC
PA 0081779	Central Dauphin S. D. Fishing Creek Elem. 600 Rutherford Rd. Harrisburg, PA 17109	Dauphin W. Hanover Twp.	Fishing Creek	TRC

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions.

These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

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

*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.*

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

*Bedford County Conservation District, District Manager, 702 West Pitt Street, Bedford, PA 15522, telephone (814) 623-6706.*

**NPDES Permit PAS100410.** Stormwater. **Wal-Mart Stores Inc.**, 701 S. Walton Boulevard, Department 8702, Bentonville, AK 72716-8702 has applied to discharge stormwater from a construction activity located in Bedford municipality, **Bedford County**, to Dunning Creek.

*Bucks County Conservation District, District Manager, 924 Town Center, New Britain, PA 18901, telephone (215) 345-7577.*

**NPDES Permit PAS10D079.** Stormwater. **Hager Development Inc.**, P. O. Box 26767, Elkins Park, PA 19117 has applied to discharge stormwater from a construction activity located in Tinicum Township, **Bucks County**, to Cafferty Run.

*Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001, telephone (412) 284-5270.*

**NPDES Permit PAS10E051.** Stormwater. **Thomas Liperote**, 279 Ford City Road, Freeport, PA 16229 has applied to discharge stormwater from a construction activity located in Butler Township, **Butler County**, to Connoquenessing Creek.

*Centre County Conservation District, District Manager, 414 Holmes Avenue, Bellefonte, PA 16823, telephone (814) 355-6817.*

**NPDES Permit PAS10F054.** Stormwater. **Corning Incorporated**, HP-ME-03-005-CH, Corning, NY 14831 has applied to discharge stormwater from a construction activity located in College Township, **Centre County**, to Logan Branch.

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

**NPDES Permit PAS10G200.** Stormwater. **McConnell Park Inc.**, P. O. Box 490, Honey Brook, PA 19344 has applied to discharge stormwater from a construction activity located in Honeybrook Township, **Chester County**, to the west branch of Brandywine Creek.

**NPDES Permit PAS10G201.** Stormwater. **Gambone Brothers Development Company**, 1030 W. Germantown Pike, Fairview Village, PA 19409 has applied to discharge stormwater from a construction activity located in East Vincent Township, **Chester County**, to Stoney Run Basin.

**NPDES Permit PAS10G202.** Stormwater. **William Hoffman**, 88 North Main Street, Spring City, PA 19475 has applied to discharge stormwater from a construction activity located in East Vincent Township, **Chester County**, to Stony Run Basin.

*Clearfield County Conservation District, District Manager, 650 Leonard Street, Clearfield, PA 16830, telephone (814) 765-2629.*

**NPDES Permit PAS101708.** Stormwater. **The Clearfield Foundation**, 126 E. Market Street, Clearfield, PA 16830 has applied to discharge stormwater from a construction activity located in Lawrence Township, **Clearfield County**, to the west branch of the Susquehanna River.

*Cumberland County Conservation District, District Manager, 43 Brookwood Avenue, Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.*

**NPDES Permit PAS10H055.** Stormwater. **Hampton Hills Development Company**, 1020 Baltimore Road, Shippensburg, 17257 has applied to discharge stormwater from a construction activity located in Southampton Township, **Cumberland County**, to Burd Run.

*Lackawanna County Conservation District, District Manager, 395 Bedford Street, Clarks Summit, PA 18411, telephone (717) 587-2607.*

**NPDES Permit PAS10N017.** Stormwater. **Richard Harsche**, R. R. 5, Box 5134, Lake Ariel, PA 18436 has applied to discharge stormwater from a construction activity located in Covington Township, **Lackawanna County**, to Langan Creek.

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

**NPDES Permit PAS10Q071-1.** Stormwater. **Cedar Fair LP**, 3630 Dorney Park Road, Allentown, PA 18104 has applied to discharge stormwater from a construction activity located in South Whitehall Township, **Lehigh County**, to Little Lehigh Creek.

**NPDES Permit PAS10Q096-1.** Stormwater. **Wegmans Food Markets**, 1500 Brooks Avenue, Rochester, NY 14672 has applied to discharge stormwater from a construction activity located in the City of Allentown, **Lehigh County**, to Little Lehigh Creek.

**NPDES Permit PAS10Q109.** Stormwater. **St. Joseph the Worker Roman Catholic Church**, 1879 Applewood Drive, Orefield, PA 18069 has applied to discharge stormwater from a construction activity located in South Whitehall Township, **Lehigh County**, to Little Lehigh Creek.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the 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.

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

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

**A. 0474208-T2.** Amendment No. 1. Industrial waste, **J & L Specialty Steel, Inc.**, One PPG Place, 18th Floor, P. O. Box 3373, Pittsburgh, PA 15230-3373. Application for the modification and operation of the existing wastewater treatment plant to serve the Midland Plant located in the Borough of Midland, **Beaver County**.

**A. 6573407.** Amendment No. 3. Sewerage, **Latrobe Municipal Authority**, P. O. Box 88, Latrobe, PA 15650. Application for replacement of mechanical screens as well as screw pumps to serve the Latrobe Municipal Authority Sewage Treatment Plant located in the Borough of Latrobe, **Westmoreland County**.

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

**WQM Permit No. 1096401.** Sewage, **Timberlee Valley Sanitary Company, Inc.**, R. D. 3, Evans City, PA 16033 is for an extended aeration sewage treatment plant for 20 single family lots in Connoquenessing Township, **Butler County**.

**WQM Permit No. 2096404.** Sewage, **Eagle Crest Manor**, R. D. 5, Box 365, Meadville, PA 16335 is for the construction of a sewage treatment facility to serve a mobile home park of 60 units in Union Township, **Crawford County**.

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

**A. 3696403.** Sewage, **Ephrata Borough Authority**, 114 East Main Street, Ephrata, PA 17522-2792 in Ephrata Borough, **Lancaster County** to construct the Ephrata Regional Wastewater Treatment Facility No. 2 which will provide sewage disposal service for portions of Ephrata Borough, Denver Borough, East Cocalico Township, Ephrata Township, and Clay Township was received in the Southcentral Region on March 22, 1996.

**A. 6796404.** Sewage, **David W. Smith**, Yorkanna Mobile Home Park, 330 Ridge Road, York, PA 17402 in Lower Windsor Township, **York County** to construct a sewage treatment plant to serve the Yorkanna Mobile Home Park on Mount Pisgah Road was received in the Southcentral Region on March 25, 1996.

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

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

**A. 0496501.** **Elmbrook Country Court**, R. D. 1, Elmbrook Road, South Beaver Township, PA 15010. Installation of a storage and disinfection system for an existing potable water supply system for a 21 unit mobile home park, **Beaver County**.

**Acknowledgment of Notices of Intent to Remediate**

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



For further information concerning the content of a Notice of Intent to Remediate, contact the Department 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:

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

**Former Hauto Steam Electric Station**, Nesquehoning Borough, **Carbon County**. Jeffrey Bell, Project Engineer with Pennsylvania Power and Light (PP&L), Two North Ninth Street, Allentown, PA has submitted a Notice of Intent to Remediate site soils contaminated with lead and arsenic. The applicant proposes to remediate the site to meet the Statewide health standard.

*Northcentral Regional Office: Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 321-6525.*

**Distribution Pole #08827N30010**, Logan Township, **Clinton County**. PP&L, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to be published in the Lock Haven Express.

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.

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

**West Chester Manufactured Gas Plant**, West Chester Borough, **Chester County**. Michael F. Heisler, Engineer, PECO Energy Co., 2301 Market St., Philadelphia, PA 19101, has submitted a Notice of Intent to Remediate site soils contaminated with benzene, PCBs and petroleum hydrocarbons and groundwater contaminated with benzene and petroleum hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the Daily Local News on March 26, 1996.

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#### Public Notice of Proposed Consent Decrees

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##### Oliver Site Waterford Township, Erie County

Under 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 two Consent Decrees concerning settlement of the Department's Complaint against General Electric Company (GE) and GAF Building Materials Corporation (GAF). The Department's Complaint concerns the investigation and cleanup of the Oliver Site in Erie County, PA. The Department's Complaint against GE and GAF is filed in the United States District Court for the Western District of Pennsylvania at the Federal Courthouse in Erie, PA.

In the past, wastes containing hazardous substances were disposed at the Oliver Site, and these hazardous substances have contaminated the soil, surface water, groundwater and sediments at the Site. The Department has incurred approximately 1 million dollars in past response costs, and estimates that it will cost approximately 3 million dollars to clean-up the Oliver Site.

The Department has entered into a settlement with GE whereby GE will, among other things, pay \$920,000 to the Hazardous Sites Cleanup Fund and will design and construct a water service for the residences with drinking water that is or could be affected by the hazardous substances at the Oliver Site. The specifics of this settlement are set forth in the Consent Decree for the settlement between the Department and GE.

The Department has also entered into a de minimis settlement with GAF whereby GAF will pay \$28,550 to the Hazardous Sites Cleanup Fund. This de minimis settlement is based upon the Department's determination that the amount of hazardous substances contributed by GAF is minimal compared to the amount of the other hazardous substances at the Oliver Site; the toxic or other hazardous effects of these hazardous substances are

minimal compared to the effects of the other hazardous substances at the Oliver Site; these hazardous substances have not contaminated the groundwater at the Oliver Site; and these hazardous substances have caused and will cause only a minor portion of the response costs at the Oliver Site. The specifics of this settlement are set forth in the Consent Decree for the settlement between the Department and GAF.

The Department will receive and consider comments relating to these Consent Decrees for 60 days from the date of this public notice. The Department may withdraw its consent to the settlements with GE and GAF if the comments concerning the Consent Decrees disclose facts or considerations which indicate that the settlements are inappropriate, inadequate or not in the public interest. The Department's settlements with GE and GAF shall become final upon the filing of the Department's responses to any significant comments to the Consent Decrees.

Copies of the Consent Decrees are available for inspection at the Department's office at 230 Chestnut Street, Meadville, Pennsylvania and at the United States District Court for the Western District of Pennsylvania (Erie). 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) 645-5984.

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

**Permit I. D. No. 603442. Thomas A. Rogers (Rural Septic)**, R. R. 2, Box 76, Harvey's Lake, PA 18618. An application for the agricultural utilization of sewage sludge at this facility, located in Lake Township, **Luzerne County**. This application was received on March 12, 1996, and was determined to be complete in the Regional Office on March 29, 1996.

**Permit I. D. No. 301288. Recycle Oil Company**, FLAW, Inc., 1600 South 25th Street, Easton, PA 18042. An application to treat non-hazardous waste oil for reuse and sale to permitted used oil burners at this Residual Waste Processing Facility, located in Easton, **Northampton County**. This application was received on March 14, 1996, and was determined to be complete in the Regional Office on March 29, 1996.

**Permit I. D. No. 101590. Grand Central Sanitation, Inc. Transfer Station**, Grand Central Sanitation, Inc., 1963 Pen Argyl Road, Pen Argyl, PA 18072. An application for a change in the ownership and a name change for this Municipal Waste Transfer Facility, located in Berlin Township, **Wayne County**. The ownership of Rosen-cranse Transfer and Recycling Station will be transferred from Rosen-cranse Corporation to Grand Central Sanitation, Inc. The facility's name under Grand Central Sanitation, Inc.'s ownership will be Grand Central Sanitation, Inc. Transfer Station. This application was received on

January 18, 1996, and was determined to be complete in the Regional Office on March 22, 1996.

**Application received 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.*

**A. 300683. Gabriel Sacco**, Box 368, Ridge Road, Ambridge, PA 15003. Ambridge Residual Waste Landfill, south of S. R. 989 and west of the Ambridge Borough boundary, Ambridge, PA 15003. Application to repermit a residual waste landfill in Ambridge Borough, **Beaver County**, was received in the Regional Office on March 25, 1996.

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

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

**06-303-025.** Construction of a bituminous asphalt concrete plant by **Cyclean PA** (P. O. Box 8, Concordville, PA 19331) in Bethel Township, **Berks County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**06-323-018.** Installation of a fabric collector on a metal shredder by **Royal Green Corporation** (P. O. Box 9, Temple, PA 19560) in Ontelaunee Township, **Berks County**.

**36-318-158.** Construction of a new wood finishing system by **Conestoga Wood Specialties, Inc.** (P. O. Box 158, 245 North Reading Road, East Earl, PA 17519-0158) in East Earl Township, **Lancaster County**.

**38-317-013.** Construction of past regrinder controlled by a fabric filter collector by **Hershey Pasta Group** (Lebanon Plant, 749 Guilford Street, Lebanon, PA 17046) in Lebanon City, **Lebanon County**.

**67-2047.** Application for RACT VOC operating permit by **Modern Landfill & Recycling** (R. D. 9, Box 317, York, PA 17402) in Windsor and Lower Windsor Townships, **York 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.*

**06-310-028.** The Department intends to issue an air quality operating permit to **Tarmac Minerals, Inc.** (P. O. Box 160, Annville, PA 17003) for a non-metallic mineral handling operation controlled by wet suppression in Cumru Township, **Berks County**.

**36-317-089B.** The Department intends to issue an air quality operating permit to **Y & S Candies, Inc.** (400 Running Pump Road, Lancaster, PA 17603) for a flour and starch storage and transfer system in East Hempfield Township, **Lancaster County**.

**36-317-220.** The Department intends to issue an air quality operating permit to **Wenger's Feed Mill, Inc.** (230 South Market Avenue, P. O. Box 26, Rheems, PA 17570) for the No. 3 grain mill receiving operation controlled by a fabric collector in Mt. Joy Borough, **Lancaster County**.

**36-318-156.** The Department intends to issue an air quality operating permit to **Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557) for the operation of three Binks paint booths controlled by dry filter in East Earl Township, **Lancaster County**.

**36-320-027.** The Department intends to issue an air quality operating permit to **Lancaster Press, Inc.** (3575 Hempland Road, Lancaster, PA 17604-3657) for a six-unit, two web offset press and a two-unit, two-web press controlled by a thermal recuperative incinerator in West Hempfield Township, **Lancaster County**.

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

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

**59-304-008.** Construction of an iron casting and manufacturing facility and associated air cleaning devices (fabric collectors) by **Ward Manufacturing, Inc., ACP Division** (P. O. Box 9, Blossburg, PA 16912) in Lawrence Township, **Tioga County**.

**49-318-032.** Modification of a wood furniture finishing operation by **Norka Manufacturing, Incorporated** (103 East Fifth Street, Building 8, Watsontown, PA 17777) in Watsontown Borough, **Northumberland County**.

**60-302-016A.** Construction of two natural gas/#2 fuel oil-fired boilers by the **Federal Bureau of Prisons** (P. O. Box 1000, Lewisburg, PA 17837) at the Lewisburg Penitentiary in Kelly Township, **Union County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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

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

**41-302-042A.** The Department intends to issue an operating permit to the **U. S. Department of Justice** (P. O. Box 1000, Montgomery, PA 17752) for the operation of a natural gas/#2 fuel oil-fired boiler at the Allenwood Federal Prison Camp in Brady Township, **Lycoming County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

**18-318-012B.** The Department intends to issue an operating permit to **Brodart Company** (500 Arch Street, Williamsport, PA 17705) for the operation of five wood furniture finishing spray booths in Wayne Township, **Clinton County**.

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**Notice of Plan Approval Application Minor Source**

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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 protest 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.*

**25-318-122.** The Department received a plan approval application for installation of a paint booth (20 wooden chairs/hour) from **Union City Chair Company**, (18 Market St., P. O. Box 31, Union City, PA 16438) in Union City, **Erie County**.

**25-313-056.** The Department received a plan approval application from **Mallinckrodt Chemical, Calsicat Division**, (1707 Gaskell Ave., Erie, PA 16503) for construction of a Maleic Plant blender for production of a new catalyst in Erie, **Erie County**.

**MINING ACTIVITY APPLICATIONS**

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

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any

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

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

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

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

#### *Coal Applications Received*

**56870102.** Transfer from Heritage Mining Company to **Starlite Mining, Inc.** (828 Statler Road, Windber, PA 15963), commencement, operation and restoration of bituminous strip mine in Shade and Quemahoning Townships, **Somerset County**, affecting 78.0 acres, receiving stream unnamed tributary to Oven Run, application received March 27, 1996.

**11860102.** Permit renewal, **E. P. Bender Coal Company** (P. O. Box 565—566, Carrolltown, PA 15722), commencement, operation and restoration of bituminous strip mine in White Township, **Cambria County**, affecting 171.5 acres, receiving stream Clearfield Creek, application received March 20, 1996.

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

**17810104.** **Thompson Brothers Coal Company** (P. O. Box 626, Philipsburg, PA 16866), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 49.47 acres, receiving streams two unnamed tributaries to Laurel Run, to Laurel Run to Moshannon Creek to west branch of the Susquehanna River, application received March 11, 1996.

**17813055.** **Thompson Brothers Coal Company** (P. O. Box 626, Philipsburg, PA 16866), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 47.8 acres, receiving streams an unnamed tributary to Laurel Run, and Laurel Run, and Emigh Run, all to Moshannon Creek to west branch of the Susquehanna River to the Susquehanna River, application received March 11, 1996.

**17960106.** **Cloe Mining Co., Inc.** (P. O. Box 247, Barnesboro, PA 15714), commencement, operation and restoration of a bituminous surface mine permit in Penn and Pike Townships, **Clearfield County** affecting 124.8 acres, receiving streams unnamed tributary to Passmore Run, unnamed tributary to Kratzer Run, Porter Run, application received March 18, 1996.

**17880104.** **E. P. Bender Coal Co., Inc.** (P. O. Box 594, Main and Lehmier Streets, Carrolltown, PA 15722), renewal of an existing bituminous surface mine permit in Jordan Township, **Clearfield County** affecting 265 acres, receiving streams McDonald Run, Buck Run, Comfort Run, unnamed tributary to McDonald Run, application received March 21, 1996.

**17840131.** **Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 325.9 acres, receiving streams Little Laurel Run and an unnamed tributary of Laurel Run, to Laurel Run, and Laurel Run, to Moshannon Creek, to west branch Susquehanna River, application received March 19, 1996.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**63851702.** **Consolidation Coal Company**, (200 Hidden Valley Drive, McMurray, PA 15317), to renew the industrial waste permit for the Westland bituminous deep mine in Chartiers Township, **Washington County**, no additional discharges. Application received March 19, 1996.

**16831603.** **C & K Coal Company**, (P. O. Box 69, Clarion, PA 16214), to renew the permit for the Piney Prep Plant in Piney Township, **Clarion County** for reclamation only, no additional discharges. Application received March 18, 1996.

**16841602.** **C & K Coal Company**, (P. O. Box 69, Clarion, PA 16214), to renew the permit for the Holden Prep Plant in Limestone Township, **Clarion County**, no additional discharges. Application received March 18, 1996.

**16831602.** **C & K Coal Company**, (P. O. Box 69, Clarion, PA 16214), to renew the permit for the Rimersburg Prep Plant in Toby Township, **Clarion County** for reclamation only, no additional discharges. Application received March 18, 1996.

**56961302.** **Dunamis Resources, Inc.** (R. D. 4, Box 1542, Homer City, PA 15748), to operate the Miller bituminous deep mine in Jenner and Lincoln Townships, **Somerset County**, new mine, receiving stream Quemahoning Creek. Application received February 21, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54890105C14.** **Porter Associates, Inc.**, (P. O. Box 478, Wilkes-Barre, PA 18703), commencement, operation

and restoration of an additional fly ash disposal source on existing SMP in Porter Township, **Schuylkill County**, affecting 115.0 acres, receiving stream Susquehanna River, application received March 20, 1996.

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

*Noncoal Applications Received*

**04960301. Beaver Valley Aggregates, Inc.** (1150 Brodhead Road, Monaca, PA 15061). Application received for commencement, operation and reclamation of a noncoal surface mine for slag removal located in Hopewell Township, **Beaver County**, proposed to affect 54.0 acres. Receiving streams Ohio River. Application received March 27, 1996.

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

*Small Noncoal Applications Received*

**32960801. Randy and Rebecca Sensabaugh** (128 Treetops Drive, Lancaster, PA 17601), to operate a quarry in Green Township, **Indiana County**, affecting 5 acres, receiving stream Two Lick Creek south branch, application received March 13, 1996.

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection.

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.**

*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.*

**D01-095. Dam. Joseph A. Myers**, 160 Ram Drive, Hanover, PA 17331. To construct, operate and maintain a stormwater detention dam across a tributary to south branch Conewago Creek 0.6 mile west of the Borough of McSherrystown and 1.0 mile south of the intersection of Hanover Road and Race Horse Road on the west side of Hostetter Road to control stormwater runoff from the Allwood Manor Subdivision in Conewago Township, **Adams County**.

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

**E25-536. Encroachment. Erie-Western Pa. Port Authority**, 17 West Dobbins Landing, Erie, PA 16507-1424. To remove existing fixed and floating docks, to construct and maintain 30 craft marina floating berths and a marina bulkhead (150 linear-foot retaining wall), to remove 2,510 cubic yards of cut material (old docking material) from the periphery of the marina, and to dredge approximately 4,700 cubic yards from the marina area. Project is located adjacent to and west of State Street, approximately 600 feet northwest of the intersection of State Street and the Bayfront Highway (Erie, North, PA Quadrangle N: 1.7 inches; W: 12.0 inches) located in the City of Erie, **Erie County**.

**E25-537. Encroachment. Baldwin Brothers, Inc.** (5 West 10 Street, Erie, PA 16501). To place fill in a total of 0.7 acre of two separate wetland areas for the placement of a roadway and development of two residential lots in Voyageur Estates Subdivision three. This project will also include creation of 1.04 acres of replacement wetlands adjacent to an existing wetland restoration project within the subdivision. Project is located adjacent to Lake Erie approximately 1,800 feet northwest of the intersection of West Lake Road (Alternate 5) and Montpelier Avenue (Swanville, PA Quadrangle N: 17.2 inches; W: 7.7 inches) located in Millcreek Township, **Erie County**.

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

**E09-705. Encroachment. Penske Truck Leasing Company**, Route 10, Green Hills, P. O. Box 563, Reading, PA 19603. To construct and maintain a stormwater management facility which consists of relocating 550 L. F. of an intermittent unnamed tributary to Neshaminy Creek (WWF, MF). This project will include the following activities:

1. Placement of fill material in 0.31 acre of wetlands associated with the proposed Penske Truck Leasing Company land development.
2. Installation and maintenance of a 306-foot long, 18-inch R.C.P. storm sewer line.
3. Excavation within the aforementioned tributary cross-section to provide storage for a proposed stormwater detention basin.
4. Modification and maintenance of an existing, approximately 320-foot long man-made watercourse.
5. Approval for an environmental assessment of a nonscope dam located across this watercourse.

This site is located approximately 400 feet east of the intersection of Street Road (S. R. 2007) and Dunks Ferry Road (T-324) (Beverly, PA-NJ Quadrangle N: 14.5 inches; W: 8.0 inches) in Bensalem Township, **Bucks County**.

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

**E19-149. Water obstruction and encroachment. Richard L. and Ronald H. Knoebel**, P. O. Box 317, Elysburg, PA 17824. To place and maintain fill in 0.4 acre of palustrine emergent wetlands for the purpose of expanding an existing campground. Plans include the construction of 0.4 acre of replacement wetland. The project is located approximately 3.5 miles east of the Rt. 54 and

487 intersection at Elysburg (Shamokin, PA Quadrangle N: 22.2 inches; W: 0.4 inch) in Cleveland Township, **Columbia County**.

**E57-069.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a single span bridge with a normal clear span of 30 feet across Mill Creek, an HQ-CWF stream. This project will impact 100 feet of stream with no wetland impacts and is located on Big Hollow Road about 1,200 feet south of its intersection with Mill Creek Road (Hills Grove, PA Quadrangle N: 17.1 inches; W: 15.8 inches) in Hills Grove Township, **Sullivan County**.

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

**E09-714.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To rehabilitate and maintain a single span steel I-beam bridge with timber decking and bituminous road surface with a 9 inch concrete deck and two parapets measuring 2-feet 8-inches in height. Stone abutments will be reset as necessary and excavation behind each abutment will occur for any required modifications. This permit, E09-714, will replace the existing permit E09-305. The site is situated at the intersection of the Delaware Canal and River Road (S. R. 0032) (Frenchtown NJ-PA USGS Quadrangle N: 12.75 inches; W: 15.6 inches) in Bridgeton Township, **Bucks County**.

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

**E22-349.** Encroachment. **Chambers Development Company**, 310 Ledger Road, North Huntingdon, PA 15642. To relocate approximately 3,500 feet of a tributary to Wiconisco Creek and to place fill in approximately 1.56 acres of wetlands at a point at the Dauphin Meadows Landfill (Elizabethville, PA Quadrangle N: 10.1 inches; W: 17.1 inches) in Upper Paxton and Washington Townships, **Dauphin County**.

**E36-608.** Encroachment. **Department of Transportation**, 2140 Herr St., Harrisburg, PA 17103-1699. To remove the existing structure, construct and maintain a precast R. C. box culvert having an 18-foot clear span with a minimum underclearance of 6.5 feet across Stewart Run on State Route 0222, Section 013, Segment 0260, Offset 000 (Wakefield, PA Quadrangle N: 22.65 inches; W: 4.12 inches) in East Drumore Township, **Lancaster County**.

**E44-078.** Encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing structure and to construct and maintain a single span bridge having a span of 22 feet and an underclearance of about 6.5 feet across Panther Run located on Havice Valley Road about 0.8 mile north of its intersection with Swift Run Road (Caburn, PA Quadrangle N: 14.3 inches; W: 5.8 inches) in Armagh Township, **Mifflin County**.

**EA06-003.** Encroachment. **Texas Eastern Transmission Corp.**, P. O. Box 1642, Houston, TX 77056. To remove P.C.B. contaminated sediment from a 180-foot section of the Tulpenhocken Creek located at Texas Eastern's Bernville Compressor Station (Strausstown, PA Quadrangle N: 6.5 inches; W: 3 inches) in North Heidelberg Township, **Berks County**.

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

**E45-296.** Encroachment. **Pohoqualine Fish Association**, R. R. 2, Box 2562, Saylorsburg, PA 18353. To modify and maintain an existing single-span bridge across McMichael Creek (EV) by replacing the existing timber deck and beams with 18-inch steel beams and decking to provide access to a private residence. The proposed superstructure will be attached to the existing abutments and have a span of approximately 23 feet with an underclearance of 6.4 feet. The project is located 600 feet west of S. R. 0715, approximately 0.2 mile north of the intersection of S. R. 0715 and Township Road T449 (Brodheads ville, PA Quadrangle N: 11.9 inches; W: 2.6 inches) in Chestnuthill Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E54-220.** Encroachment. **John S. Mills, Jr. and Catherine M. Bradley**, 249 Meadow Drive, Auburn, PA 17922. To construct and maintain a steel I-beam bridge, having timber decking, across Plum Creek (CWF), for the purpose of gaining access to private property for general property maintenance purposes. The proposed bridge has a span of approximately 30 feet and an underclearance of approximately 7 feet, and is located approximately 0.5 mile west of the intersection of S. R. 2011 and T-676 (Friedensburg, PA Quadrangle N: 19.1 inches; W: 1.5 inches) in South Manheim Township, **Schuylkill County** (Philadelphia District, Army Corps of Engineers).

**E58-211.** Encroachment. **Susquehanna County Commissioners**, Susquehanna County Courthouse, Montrose, PA 18801. To construct and maintain a single-span steel I-beam bridge with a timber deck (County Bridge No. 22), having a span of approximately 65 feet and an underclearance of approximately 16.3 feet, across Tunkhannock Creek. The bridge will be constructed at the location of the former T-434 bridge, which was severely flood-damaged, and will utilize/modify portions of the existing abutments. The project is located immediately east of the intersection of T-434 and S. R. 0092 (Lenoxville, PA Quadrangle N: 11.0 inches; W: 9.7 inches) in Lenox Township, **Susquehanna County** (Baltimore District, Army Corps of Engineers).

**E66-106.** Encroachment. **Roy W. Piper**, P. O. Box 460, Tunkhannock, PA 18657-0460. To place and maintain approximately 8,500 c.y. of fill in and along the floodway of Tunkhannock Creek (CWF) and in a de minimus area of PEM/PSS wetlands less than or equal to 0.05 acre to provide buildable area for future commercial development. A gabion basket retaining wall having a height of 9 feet and length of approximately 190 feet and R-8 riprap slope protection are also proposed to protect the 22-foot high embankment from erosion. The project is located on the south side of S. R. 0006, approximately 0.2 mile west of the intersection of S. R. 0006 and S. R. 0092 (Tunkhannock, PA Quadrangle N: 6.8 inches; W: 8.9 inches) in Tunkhannock Borough, **Wyoming County** (Baltimore District, Army Corp of Engineers).

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**E02-374-A1.** Encroachment. **North Shore Enterprises, Inc.**, Mendota St. and River Ave., Pittsburgh, PA 15212. To reissue Permit No. E02-374 issued for the construction and maintenance of a boat marina and fill placement along the left bank of the Allegheny River near Mile Marker 1.8 (Pittsburgh East, PA Quadrangle N: 14.4 inches; W: 15.4 inches) in the City of Pittsburgh, **Allegheny County**.

**E02-727-A1.** Encroachment. **Dept. of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To

reissue, amend and extend the time limit on Permit No. E02-727 to construct and maintain a single additional support column to pier B5 of the West End Bridge. The new column is designated as Pier B5A, is located in the floodplain of the Ohio River, and is proposed for the purpose of widening S. R. 0019 Section A16 (Pittsburgh West, PA Quadrangle N: 13.4 inches; W: 3.6 inches) in the City of Pittsburgh, **Allegheny County**.

**E02-1142.** Encroachment. **Borough of Elizabeth**, 206 Third St., Elizabeth, PA 15037. To remove existing structure known as Polk Street Pedestrian Bridge and to construct and maintain a 4-foot wide × 65-foot long pedestrian bridge across Fallen Timber Run on the west side of Polk Street (Glassport, PA Quadrangle N: 4.2 inches; W: 1.3 inches) in Elizabeth Borough, **Allegheny County**.

**E02-1144.** Encroachment. **Daniel A. Vosel**, 321 McLaughlin Run Road, Pittsburgh, PA 15241. To construct and maintain an addition to an existing residential dwelling for the purpose of changing it to commercial use. The proposed addition is located in the floodway of McLaughlin Run at 1061 McLaughlin Run Road (Bridgeville, PA Quadrangle N: 18.9 inches; W: 14.4 inches) in Bridgeville Borough, **Allegheny County**.

**E02-1145.** Encroachment. **East Deer Township**, 927 Freeport Road, Creighton, PA 15030. To construct and maintain a riverfront park in the floodplain of and on the right bank of the Allegheny River located approximately 400 feet southeast from the intersection of Grant Street and Sherman Street (New Kensington, PA Quadrangle N: 14.8 inches; W: 3.6 inches) in East Deer Township, **Allegheny County**.

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## ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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.

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

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### *Permits Issued*

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

**NPDES Permit No. PA0221970.** Industrial waste. **Municipal Authority of the Borough of Greenville**, 44 Clinton Street, P. O. Box 638, Greenville, PA 16125 is authorized to discharge from a facility located in Greenville Borough, **Mercer County** to Shenango River.

**NPDES Permit No. PA0006238.** Amendment No. 1. Industrial waste. **Napco, Inc.**, McFann Road at Route 8, Valencia, PA 16059 is authorized to discharge from a facility located in Middlesex Township, **Butler County** to Glade Run.

**NPDES Permit No. PA0002534.** Industrial waste. **Morgan Advanced Materials and Technology, Inc.**, 441 Hall Avenue, St. Marys, PA 15857 is authorized to discharge from a facility located in St. Marys, **Elk County** to Elk Creek.

### *Permits Issued*

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

**NPDES Permit No. PA0094510.** Amendment No. 1. Industrial waste, **USX Corporation**, U.S.S. Division, 600 Grant Street, Pittsburgh, PA 15219 is authorized to discharge from a facility located at Edgar Thomson Plant, North Braddock Borough, **Allegheny County**.

**NPDES Permit No. PA0098795.** Industrial waste, **North Fayette County Municipal Authority**, University Drive, Ranch Road, Box 368, Dunbar, PA 15431 is authorized to discharge from a facility located at Wheeler Bottom Water Treatment Plant, Dunbar Township, **Fayette County** to Youghiogheny River.

**NPDES Permit No. PA0204919.** Industrial waste, **Laurel Hill Timber Company**, P. O. Box 266, Lyme, NH 03768 is authorized to discharge from a facility located at Sawdust Pile, Jackson Township, **Cambria County** to tributary of Laurel Run.

**NPDES Permit No. PA0025615.** Amendment No. 1. Industrial waste, **Duquesne Light Company**, 411 Seventh Avenue 14-705, P. O. Box 1930, Pittsburgh, PA 15230-1930 is authorized to discharge from a facility located at Beaver Valley Power Station, Shippingport Borough, **Beaver County**.

**NPDES Permit No. PA0026069.** Sewage, **Latrobe Municipal Authority**, P. O. Box 88, Latrobe, PA 15650 is authorized to discharge from a facility located at Latrobe Wastewater Treatment Plant, Latrobe Borough, **Westmoreland County** to Loyalhanna Creek.

**NPDES Permit No. PA0203831.** Sewage, **Riverside Beaver County School District**, R. D. 2, Country Club Drive, Box 4010, Ellwood City, PA 16117 is authorized to discharge from a facility located at Riverside Beaver County School District's Primary Center Sewage Treatment Plant, North Sewickley Township, **Beaver County** to unnamed tributary to Thompson Run.

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

**NPDES Permit No. PA0024058.** Sewage, **Borough of Kennett Square**, North Broad and East Linden Streets, Kennett Square, PA 19348, Kennett Township, **Chester County**.



The following notice reflects changes to the notice published in the December 23, 1995, *Pennsylvania Bulletin*:

The numerical limitations for the discharge parameters: Lead, Mercury, Pentachlorophenol and Naphthalene are replaced by Monitor/Report. These changes are made based on consistently low effluent concentrations of Lead and Mercury and limited effluent data for new parameters: Pentachlorophenol and Naphthalene.

*Permits Issued*

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

**NPDES Permit No. PA-0063487.** Sewage. **Duane Schleicher** (Trailer Park), R. R. 7, Box 198, Lehighton, PA 18235 is authorized to discharge from a facility located in East Penn Township, **Carbon County** to an unnamed tributary to Lizard Creek.

**NPDES Permit No. PA-0061999.** Sewage. **Mark Albert and David J. Pitti** (formerly Bethany Colony), 193 Hamilton Avenue, Massapequa, NY 11758 are authorized to discharge from a facility located in Dyberry Township, **Wayne County** to an unnamed tributary of Dyberry Creek.

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

*Permits Issued*

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

**NPDES Permit No. PA0007552.** Industrial waste, **Empire Kosher Poultry, Inc.**, River Road, P. O. Box 165, Mifflintown, PA 17059 is authorized to discharge from a facility located in Walker Township to the receiving waters named Juniata River.

**NPDES Permit No. PAG043533.** Sewerage, **Jeffrey L. Crist**, P. E., 1645 Pebble Brook Lane, Harrisburg, PA 17110 is authorized to discharge from a facility located in West St. Clair Township, **Bedford County** to the receiving waters UNT to George Creek.

**NPDES Permit No. PA0026191.** Sewerage, **Borough of Huntingdon**, 1001 Moore Street, Huntingdon, PA 16652 is authorized to discharge from a facility located in Huntingdon Borough, **Huntingdon County** to the receiving waters named Juniata River.

**NPDES Permit No. PA0087106.** Sewerage, **Peter Rondeau**, 2621-D York Road, Gettysburg, PA 17325 is authorized to discharge from a facility located in Straban Township, **Adams County** to the receiving waters of an unnamed tributary of Swift Run.

**NPDES Permit No. PA0087165.** Industrial waste, **Bleyer Industries, Inc.**, 500 Walnut Street Extension, Mt. Union, PA 17066 is authorized to discharge from a facility located in Mt. Union Borough, **Huntingdon County** to the receiving waters of the Juniata River.

**NPDES Permit No. PA0021491.** Sewerage, **Williamstown Borough Sewer Authority**, P. O. Box 44, Williamstown, PA 17098 is authorized to discharge from a facility located in Williams Township, **Dauphin County** to the receiving waters named Wiconisco Creek.

**NPDES Permit No. PA0083861.** Sewerage, **Benner's Restaurant**, R. D. 2, Box 13-B, Millerstown, PA 17062 is

authorized to discharge from a facility located in Delaware Township, **Juniata County** to the receiving waters named Juniata River.

**NPDES Permit No. PA0009288.** Industrial waste, **Milton Hershey School**, P. O. Box 356, Hershey, PA 17033 is authorized to discharge from a facility located in Derry Township, **Dauphin County** to the receiving waters of an unnamed tributary of Spring Creek.

**NPDES Permit No. PA0024350.** Sewerage, **Dauphin Borough Municipal Authority**, Delaware and Canal Streets, P. O. Box 487, Dauphin, PA 17018 is authorized to discharge from a facility located in Dauphin Borough, **Dauphin County** to the receiving waters named Susquehanna River.

**NPDES Permit No. PA0024040.** Sewerage, **Borough of Highspire**, 640 Eshelman Street, Highspire, PA 17034-1698 is authorized to discharge from a facility located in Highspire Borough, **Dauphin County** to the receiving waters named Susquehanna River.

**NPDES Permit No. PA0083569.** Sewerage, **River-view Estates Homeowners Association**, R. D. 5, Box 764, Altoona, PA 16601 is authorized to discharge from a facility located in West Providence Township, **Bedford County** to the receiving waters named Raystown Branch of the Juniata River.

**NPDES Permit No. PA0110931.** Sewerage, **Shellbark Campground**, 112 Pine Street, Sutersville, PA 15083-1330 is authorized to discharge from a facility located in Napier Township, **Bedford County** to the receiving waters named Raystown Branch of the Juniata River.

**NPDES Permit No. PA0087211.** Industrial waste, **C and S Mobil Service**, 535 York Street, Gettysburg, PA 17325 is authorized to discharge from a facility located in Gettysburg Borough, **Adams County** to the receiving waters named Rock Creek.

**NPDES Permit No. PA0022047.** Industrial waste, **Crompton and Knowles Colors Incorporated**, P. O. Box 341, Reading, PA 19603 is authorized to discharge from a facility located in Robeson Township, **Berks County** to the receiving waters named Schuylkill River.

**NPDES Permit No. PA0040789.** Sewerage, **J & A Mobile Home Park**, 3100 York Haven Road, Manchester, PA 17345 is authorized to discharge from a facility located in Newberry Township, **York County** to the receiving waters named Conewago Creek.

**NPDES Permit No. PA0086762.** Industrial waste, **R & A Bender, Inc.**, P. O. Box 399, Scotland, PA 17254 is authorized to discharge from a facility located in Greene Township, **Franklin County** to the receiving waters of an unnamed tributary of Phillaman Run.

**NPDES Permit No. PA0087157.** Sewerage, **East Hanover Township**, R. D. 2, P. O. Box 4323, Grantville, PA 17028 is authorized to discharge from a facility located in East Hanover Township, **Dauphin County** to the receiving waters named Bow Creek.

**NPDES Permit No. PA0046221.** Sewerage, **Newville Borough Water and Sewer Authority**, 99 Cove Alley, Newville, PA 17201 is authorized to discharge from a facility located in Newville Borough, **Cumberland County** to the receiving waters named Big Spring Creek.

**NPDES Permit No. PA0043052.** Amendment. Sewerage, **Municipal Authority of the Township of Spring**, 2800 Shillington Road, Cornwall Terrace, Reading, PA



19607 is authorized to discharge from a facility located in Spring Township, **Berks County** to the receiving waters named Cacoosing Creek.

### Notices of Intent for Coverage Under General Permits Received

The following parties have submitted Notices of Intent for coverage under General NPDES Permits to discharge treated wastewater into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review, or application of lawful standards and regulations, the Department of Environmental Protection

proposes to issue coverage under the General Permit subject to effluent limitations, monitoring and reporting requirements and other conditions set forth in the General Permits.

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.

The Notice of Intent, related documents, proposed effluent limitations, special conditions, comments received and other information are on file and may be inspected and copied at the Regional Office indicated as receiving the Notice of Intent.

### List of NPDES General Permits Issued by DEP'S Water Management Deputate

<i>NPDES General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-2	Stormwater—Construction Activities	BLWC
PAG-3	Stormwater—Industrial Activities	BWQM
PAG-4	Single Residence Sewage Treatment Plant	BWQM
PAG-6	Combined Sewer Overflows	BWQM

### NOI Received and Final Actions Under NPDES General Permits

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to waters of the Commonwealth.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR113543	2	Frick Co/York Intern 100 CV Avenue Waynesboro, PA 17268-0997	Franklin Waynesboro Boro	Antietam Creek	3585
PAR123541	2	Moyer Packing Co. Mopac No. 23 7 Valleys and Jefferson Rds. Seven Valleys, PA 17360	York Seven Valleys	UNT to South Branch of Codorus Creek	2077
PAR123540	2	Moyer Packing Co. Mopac No. 2 P. O. Box N Elizabethville, PA 17023	Dauphin Elizabethville	UNT to Wiconisco Creek	2077
PAR203570	2	Aluminum Co. of America Lebanon Works 3000 State Drive Lebanon, PA 17042-8899	Lebanon Lebanon City	Hazeldike Creek	3353

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG048369	3	Thomas M. Steudler P. O. Box 22A, Ridgway Rd. Johnsonburg, PA 15845	Elk Ridgway Twp.	Unnamed Tributary of the Clarion River	
PAG048368	3	Hugh A. Buffham 214 North State Line Rd. Greenville, PA 16125	Crawford East Fallowfield Twp.	Tributary Crooked Creek	
PAR238317	2	Molded Fiber Glass Co. 55 Fourth Ave. Union City, PA 16438	Erie Union City Borough	French Creek	3089
PAR118328	2	Carbone of America Ind. Corp.—Graphite Materials Div. Route 120 and Trout Run Rd. St. Marys, PA 15857	Elk City of St. Marys	South Branch Elk Creek (Tannery Creek)	3624

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**Notices of Intent for Coverage Under NPDES General Permits and Department Final Actions**


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The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the following final actions by approving the requested general permit coverages.

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

**List of NPDES General Permits Issued by DEP's  
Water Management Deputate**

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
1	SW—Construction	BLWM
2	SW—Industrial	BWQM
3	SRSTP	BWQM
4	CSO	BWQM

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**NOIS Received and Final Actions Under NPDES General Permits**

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Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters runoff to waters of the Commonwealth.

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR600002	2	Biello Auto Parts, Inc. Church and Mill Road Elkins Park, PA 19027	Montgomery Cheltenham Township	Tookany Creek	5015
PAR700005	2	Glasgow, Inc. Spring House Facility P. O. Box 248 Glenside, PA 19038	Montgomery Montgomery Township	Unnamed Tributary to Park Creek from Outfall 002 Only	2051
PAR700004	2	Glasgow, Inc. Bridgeport Facility P. O. Box 248 Glenside, PA 19038	Montgomery Upper Merion Township	Frog Run	2951
PAR700006	2	Glasgow, Inc. Freeborn Plant P. O. Box 248 Glenside, PA 19038	Delaware Springfield Township	Darby Creek	2591
PAR600004	2	Grants Auto Salvage, Inc. P. O. Box 108 Zionhill, PA 18981	Bucks Springfield Township	Unnamed Tributary to Tohickon Creek	5015
PAR110014	2	Lasko Metal Products, Inc. 820 Lincoln Avenue West Chester, PA 19380	Chester West Goshen	Goose Creek	3634
PAR600030	2	Orthodox Auto Company, Inc. 5247 Unruh Avenue Philadelphia, PA 19135	Philadelphia Philadelphia	Delaware River	5015
PAR800015	2	Penn Terminals, Inc. One Saville Avenue Eddystone, PA 19022	Delaware Eddystone	Ridley Creek and Delaware River	4491
PAR210012	2	Rahns Construction Material Co. Routes 113 and 29 Rahns, PA 19426	Montgomery Perkiomen	Perkiomen Creek	3273
PAR130007	2	Reynolds Metals Company 520 Lincoln Avenue Downingtown, PA 19335	Chester Downingtown	Unnamed tributary to Brandywine Creek	2754

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR230001	2	A & L Handles, Inc. 244 Shoemaker Road Pottstown, PA 19464	Montgomery Pottstown	Manatawny Creek	3089
PAR130001	2	American Bank Note Company 680 Blair Mill Road Horsham, PA 19044	Montgomery Horsham	Tributary to Pennypack Creek	2752
PAR230044	2	Ashland Chemical Company 2801 Christopher Columbus Blvd. Philadelphia, PA 19148	Philadelphia City of Philadelphia	Delaware River	2821
PAR900013	2	Philadelphia Northeast Water Pollution Control Plant 3901 Richmond Street Philadelphia, PA 19137	Philadelphia City of Philadelphia	Frankford Creek and Delaware River	4952
PAR800040	2	Browning Ferris, Inc. Liberty Medical Waste Depot 111 Domorah Drive Montgomeryville, PA 18936	Montgomery Montgomery Township	Unnamed Tributary to Little Neshaminy Creek and Neshaminy Creek	4212

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG046104	4	George Lazur 124 Braddock Dr. Latrobe, PA 15650	Westmoreland Mt. Pleasant Twp.	Tributary of Boyer Run	8811

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

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*Adams County Conservation District: District Manager, 57 N. Fifth Street, Gettysburg, PA 17325, telephone (717) 334-0636.*

*Berks County Conservation District: District Manager, P. O. Box 520, Ag. Ctr., Leesport, PA 19533, telephone (610) 372-4657.*

*Bucks County Conservation District: District Manager, 924 Town Center, New Britain, PA 18901, telephone (215) 345-7577.*

*Cambria County Conservation District: District Manager, P. O. Box 187, Ebensburg, PA 15931, telephone (814) 472-2120.*

*Chester County Conservation District: District Manager, Gov. Serv. Ctr. Ste. 395, 601 Westtown Rd., West Chester, PA 19382, telephone (610) 696-5126.*

*Clearfield County Conservation District: District Manager, 650 Leonard Street, Clearfield, PA 16830, telephone (814) 765-2629.*

*Dauphin County Conservation District: District Manager, 1451 Peters Mtn. Rd., Dauphin, PA 17018, telephone (717) 921-8100.*

*Erie County Conservation District: District Manager, 12723 Rte. 19, P. O. Box 801, Waterford, PA 16441, telephone (814) 796-4203.*

*Huntingdon County Conservation District: District Manager, R. R. 1, Box 7C, Huntingdon, PA 16652, telephone (814) 627-1627.*

*Lancaster County Conservation District: District Manager, 1383 Arcadia Rd., Rm. 6, Farm and Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.*

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

*Lycoming County Conservation District: District Manager, 240 W. 3rd Street, P. O. Box 68, Williamsport, PA 17703, telephone (717) 326-5858.*

*Mercer County Conservation District: District Manager, R. R. 2, Box 2055, Mercer, PA 16137, telephone (412) 662-2242.*

*Montgomery County Conservation District: District Manager, 1015 Bridge Rd., Ste. B, Colledgeville, PA 19426, telephone (610) 489-4506.*

*Schuylkill County Conservation District: District Manager, Schuylkill Mall, Frackville, PA 17931, telephone (717) 874-3130.*

*Warren County Conservation District: District Manager, 609 Rouse Home Ave., Suite 203, Youngsville, PA 16317, telephone (814) 563-3117.*

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

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

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

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100022	Pike Management 4 Lemoyne Dr. Lemoyne, PA 17043	Adams Co. Straban Twp.	UNT to Rock Crk.
PAR100030	Twoton Inc. 1743 Rohrerstown Rd. Lancaster, PA 17601	Adams Co. Hamilton Twp.	UNT to Pine Run
PAR10C149	A. James Alderfer 8 Hillendale Rd. Perkasie, PA 18944	Berks Co. Oley Twp.	UNT to Manatawny
PAR10D208	Central Bucks School District 67 E. Butler Ave. New Britain, PA	Bucks Co. Warwick Twp.	Neshaminy Crk.
PAR10D246	Kudra, Kudra & Frawley 24 Jericho Run Washington Xing, PA 18977	Bucks Co. U. Makefield Twp.	Delaware River
PAR10D237	Scott Petri 380 Thompson Mill Rd. New Hope, PA 18938	Bucks Co. U. Makefield Twp.	UNT to Delaware River
PAR10D223	Robert Faraco P. O. Box 42 Pennsburg, PA 18073	Bucks Co. Milford Twp.	Unami Crk.
PAR10D227	Bensalem Twp. School District 3000 Domallen Dr. Bensalem, PA 19020	Bucks Co. Bensalem Twp.	Poquessing
PAR10D182	Real Pro Enterprises Ltd. 2312 N. Broad St. Colmar, PA 18915	Bucks Co. Perkasie Boro.	Perkiomen
PAR101027	Denis Michaels 221 Brentwood Ave. Johnstown, PA 15904	Cambria Co. Richland Twp.	Sandy Run
PAR10G145	J. Kranitz Devel. Co. 27 E. Central Ave. Paoli, PA 19301	Chester Co. Westtown Twp.	Chester Crk.
PAR10G165	William DeNenno 1055 Lenape Rd. West Chester, PA 19382	Chester Co. E. Bradford Twp.	Plum Run
PAR10G172	Downingtown Area School District 140 Wallace Ave. Downingtown, PA 19335	Chester Co. Caln Twp.	Brandywine Crk.
PAR101721	DEP, Bureau of Aban. Mine Reclamation P. O. Box 149 Ebensburg, PA	Clearfield Co. Boggs Twp.	Morgan Run
PAR10I085	Raymone Price and John Benner Route 1, Box 375 Millersburg, PA 17601	Dauphin Co. U. Paxton Twp.	Wiconisco Crk.
PAR10K061	Baldwin Brothers Inc. 5 W. 10th St. Erie, PA 16501	Erie Co. Millcreek Twp.	Lake Erie
PAR10K062	DCS Development 9451 Page Rd. Wattsburg, PA 16442	Erie Co. Harborcreek Twp.	UNT to Lake Erie

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR103005	John McMenamin 260 W. Sunrise Hwy. Valley Stream, NY 11852	Huntingdon Co. Mt. Union Boro.	Juniata River
PAR10-O-194	Shippen Realty Partners 439 W. Chestnut St. Lancaster, PA 17603	Lancaster Co. E. Lampeter Twp.	Conestoga Rvr.
PAR10-O-200	Nichla America Corp. 1006 New Holland Ave. Lancaster, PA 17601	Lancaster Co. W. Hempfield Twp.	W. Ltl. Conestoga
PAR10R083	Bow Creek Assocs II P. O. Box 2029 Centermoreland, PA	Luzerne Co. Fairview Twp.	Bow Crk.
PAR103914	Richard Michael R. R. 4 P. O. Box 214 Muncy, PA 17756	Lycoming Co. Wolf Twp.	Muncy Crk.
PAR104317	Glimcher of Hermitage 1996 LP 1 Mellon Bk. Ctr. Pittsburgh, PA 15219	Mercer Co. City of Hermitage	Pine Hollow Run
PAR10T266	Kenneth Grosse Dev. 66 S. County Line Rd. Souderton, PA 18964	Montgomery Co. Franconia	UNT to Skiptack Crk.
PAR10T259	Lawrence Contracting Lock Box 411 Gilberton, PA 17934	Montgomery Co. L. Providence Twp.	Stoney Crk.
PAR105733	J & S Kulikosky R. D. 1, Box 1252 Schuylkill Haven, PA 17972	Schuylkill Co. S. Manheim Twp.	Red Crk.
PAR107200	Pine Grove Twp. Supervisors P. O. Box 125 Russell, PA 16345	Warren Co. Pine Grove Twp.	Valentine Run et al
PAR10Y156	Manchester Business Pk. 106 Old Court Rd. Baltimore, MD 21208	York Co. Manchester Twp.	Ltl. Conewago Crk.
PAR10Y208	Donald B. Smith 450 Spangler Rd. New Oxford, PA 17350	York Co. Penn Twp.	UNT to Oil Crk.
PAR10Y201	Robert McKendrick 154 Calvary Church Rd. Wrightsville, PA	York Co. Carroll Twp.	Stoney Run

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

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

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 422-4000.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A081	Consolidated Rail Corp. 2001 Market St., Rm. 11D Philadelphia, PA 19101-1411	Wall Borough N. Versailles Twp. Monroeville Borough Allegheny County	Turtle Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10X058	KLMM, Inc. 822 Golf View Drive McKeesport, PA 15138	Hempfield Twp. Sewickley Twp. Westmoreland County	UNT Sewickley Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-T059	Westrum Development Corporation 794 Pennlyn Pike, Suite 101 Blue Bell, PA 19422	Perkiomen Township Montgomery County	Lodal Creek
PAS10-G142	Robert L. Cone R. D. 2, Yoder Road Elverson, PA 19520	West Nantmeal Township Chester County	South Branch French Creek

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

**PAS-10-I021.** Individual NPDES. **Double M Development Company**, 434 North Front Street, Wormleysburg, PA 17043. To implement an erosion and sedimentation control plan for the construction of a commercial warehouse on 178 acres in Lower Swatara Township, **Dauphin County**. The project is located along North Union Street approximately 1,500 feet north of Fulling Mill Road (Middletown, PA Quadrangle N: 20.3 inches; W: 15 inches). Drainage will be to Swatara Creek.

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

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

**WQM Permit No. 2096401.** Sewerage, **Hugh A. Buffham**, SRSTP, 214 North State Line Road, Greenville, PA 16125. Construction of Hugh A. Buffham SRSTP located in East Fallowfield Township, **Crawford County**.

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

**Permit No. 0296402.** Sewerage, **Township of North Fayette**, 400 North Branch Road, Oakdale, PA 16071. Construction of pump station and force main located in the Township of North Fayette, **Allegheny County** to serve The Pointe at North Fayette.

**Permit No. 463S81.** Amendment No. 2. Sewerage, **Mount Pleasant Borough**, Municipal Building, Etze Avenue, Mt. Pleasant, PA 15666. Construction of a dechlorination system located in the Borough of Mount Pleasant, **Westmoreland County** to serve the Mount Pleasant Sewage Treatment Plant.

**Permit No. 6569435.** Amendment No. 1. Sewerage, **Robert Bazzano**, Trader's Path Homes, Inc., 100 Lorraine Drive, Lower Burrell, PA 15068. Construction of a sewage treatment plant located in the City of Lower Burrell, **Westmoreland County** to serve Trader's Path Mobile Home Park.

**Permit No. 6596402.** Sewerage, **George Lazur**, 124 Braddock Drive, Latrobe, PA 15650. Construction of a single residence sewage treatment plant located in the Township of Mt. Pleasant, **Westmoreland County** to serve the Lazur residence.

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

#### *Part II Permits Issued*

**Permit No. 2295403.** Sewerage. **East Hanover Township**, R. D. 2, P. O. Box 4323, Grantville, PA 17028. Construction of collection system and wetland treatment facility to serve the Granville/Shellsville area in East Hanover Township, **Dauphin County**.

**Permit No. 6795414.** Sewerage. **West Manchester Township**, 2501 Catherine Street, York, PA 17404. Construction of a sanitary relief interceptor that will divert sewage flows from the West King Street Pump Station to the West Market Pump Station in West Manchester Township, **York County**.

**Permit No. 2296401.** Sewerage. **Lower Swatara Township Municipal Authority**, 1499 Spring Garden Drive, Middletown, PA 17057. Construction of new sewer pumping station and force main to initially serve the Double M Development/Hershey Creamery, Inc. property in Lower Swatara Township, **Dauphin County**.

**Permit No. 3696401.** Sewerage. **Solanco School District**, 121 South Hess Street, Quarryville, PA 17566. Construction of new sewage treatment plant in East Drumore Township, **Lancaster County**.

**Permit Nos. 0595604 and 0595407.** Sewerage. **East St. Clair Township Municipal Authority**, Box 55, Fishertown, PA 15539. Modification to the existing interceptor sewer in East St. Clair Township, **Bedford County**.

**Permit No. 0195408.** Sewerage, **Peter Rondeau**, 2621-D York Road, Gettysburg, PA 17325. Construction and operation of a sewage treatment facility in Straban Township, **Adams County**.

**Permit No. 6786430.** Sewerage. **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319. Amendment. Construction of an equalization tank in Newberry Township, **York County**.

**Permit No. 5095201.** Sewerage. **Marysville Borough**, 200 Overcrest Road, Marysville, PA 17053. Construction of a suction lift pump station, sewer extension and force main for 32 residential building lots in Marysville Borough, **Perry County**.

**Permit No. 0595408.** Sewerage. **Jeffrey L. Crist, P.E.**, 1645 Pebble Brook Lane, Harrisburg, PA 17110.

Construction of single family sewage treatment facility serving two residences in West St. Clair Township, **Bedford County**.

**Permit No. 3495201.** Industrial waste. **Empire Koshier Poultry, Inc.**, River Road, P. O. Box 165, Mifflintown, PA 17059. Expansion and upgrade of wastewater treatment facilities in Walker Township, **Juniata County**.

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

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.*

*Location:* Frost Hollow Knolls Subdivision, 1.2 miles west of intersection of Route 611 on north side of Frost Hollow Road, Forks Township, **Northampton County**.

*Project Description:* This project proposes a 189 lot single family residential subdivision of a 99.46 acre tract. One lot contains an existing dwelling. Several open space areas and bike path rights of way within the proposed subdivision are restricted from future development. The proposed 75,600 gpd of sewage flows will be collected and conveyed by Forks Township Municipal Authority and conveyed by the City of Easton to the Easton Area Joint Sewer Authority Wastewater Treatment Plant. There will be four tap-in locations to the existing Forks Township Municipal Sewer Authority System and approximately 13,400 L. F. of 8" PVC sanitary sewer mains constructed to serve the project. Public water will be provided to the project by Easton Suburban Water Authority.

*Location:* Scott's Personal Care Home, Manchester and Damascus Townships, **Wayne County**.

*Project Description:* This project proposes the construction of a 16 bed personal care facility with total sewage flows of approximately 1,800 gpd. Sewage disposal will be accomplished by a spray irrigation system consisting of septic treatment, an intermittent sand filter, chlorine disinfection, storage and land application. The system will be owned, maintained and operated by the property owner. The Department of Environmental Protection will require a Part II Water Quality Management Permit for the operation of this facility.

The location of this project is on the south side of T-625, 1 mile east of the intersection with T-668 in Manchester and Damascus Townships, Wayne County, Pennsylvania.

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

*Location:* West Chillisquaque Township, **Northumberland County**.

*Project Description:* This update revision calls for the construction of sewers and appurtenances tributary to the existing Milton Borough wastewater collection system to serve various areas of the township. The areas to be served include Colonial Park, Milton Center East, the Clymer Mobile Home Park, Astro Village, Countryside Manor and Sodom Road.

The design life flow projected to be added to the Milton system from this project is 180,000 gal/day. The collected wastewater will be treated at the existing Milton wastewater treatment facility with discharge of the treated effluent to the west branch Susquehanna River.

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

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

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

**Permit No. 0995504.** Public water supply. **Warminster Township Municipal Authority**, Joseph Butch, 415 Gibson Avenue. This proposal involves to construct and to operate well nos. 43, 44 and 45, each with chlorination and appurtenant equipment. The design capacities of the proposed facilities are 200 gpm, 200 gpm and 300 gpm. Clear wells and piping will be installed for future use as part of radon removal treatment in Warminster Township, **Bucks County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* CKS Engineers, Inc., 88 South Main Street, Doylestown, PA 18901.

*Permit to Construct Issued:* March 20, 1996.

**Permit No. 4695501.** Public water supply. **PA-American Water Company**, David Modeer, 800 West Hershey Park Drive, Hershey, PA 17033. This proposal involves upgrade and expansion of the Norristown Water Treatment Plant in Norristown Borough, **Montgomery County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* Gannett Fleming, Inc., P. O. Box 67100, Harrisburg, PA 17106-7100.

*Permit to Construct Issued:* March 21, 1996.

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**Final Reports**

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995 (P. L. 4, No. 2).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (the act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final report:

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

**Baer Property**, Eddystone Borough, **Delaware County**. Darryl D. Borelli, Suite 500, 401 City Ave., Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet site specific standards.

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#### Notice of Proposed Consent Order and Agreement

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Delta Chemicals Site  
North Buffalo Township, Armstrong County

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act, (35 P. S. §§ 6020.101—6020.1304) (HSCA), has entered into a Proposed Consent Order and Agreement with Bakerstown Container Corporation. Under the proposed Consent Order and Agreement (CO&A), Bakerstown Container Corporation will pay its proportionate share, in the amount of \$28,201.10, of DEP's response costs incurred at the Delta Chemicals site. The response costs paid by Bakerstown Container are based on DEP's Non-Binding Allocation of Responsibility (NBAR) which was developed by DEP for the Delta Chemicals site under section 708 of HSCA (35 P. S. § 6020.708). The Proposed CO&A also provides for a Covenant Not To Sue, under section 706 of HSCA (35 P. S. § 6020.706) for Reopeners of the Covenants Not To Sue under section 505 of The Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995 (P. L. 4, No. 1995-2) (35 P. S. § 6026.101 et seq.) (Land Recycling Act) and for Contribution Protection under section 705(c)(2) of HSCA (35 P. S. § 6020.705(c)(2)). The Proposed CO&A does not provide for settlement of DEP's future response costs, or for response costs incurred by other Responsible Persons for the Delta Chemicals site. The Proposed CO&A is authorized by section 709 of HSCA (35 P. S. § 6020.709).

Delta Chemical is located at the intersection of Worthington and Beatty's Mill Roads in North Buffalo Township. The site consists of 1.3 acres, of which approximately 1 acre is enclosed by a fence. Within the fenced portion, there is a small cinder block building, a standpipe buried in the ground, a large and smaller lagoon. There are two contaminated springs located outside the fenced property.

The site's soils, lagoon surface water, the perched groundwater aquifer and surface water and sediment in the unnamed tributary are contaminated with volatile organic compounds. Inorganic contamination was found in the surface soil, subsurface soils, in the standpipe, the lagoon surface water and surface water sediments. This contamination poses threats of direct contact, release of hazardous substances to the perched groundwater aquifer and release of vapors to the atmosphere.

This Notice is being provided under section 1113 of HSCA (35 P. S. § 6020.1113) in the *Pennsylvania Bulletin* and in the *Kittanning Leader Times*. The Proposed CO&A is available for public review and comments, and is located in the Administrative Record for the Delta Chemicals site which is maintained at DEP's Southwest Regional Office at 400 Waterfront Drive, Pittsburgh, PA.

This public comment period extends for 60 days from the date of publication in the *Pennsylvania Bulletin*. Persons wishing to submit written comments may do so by sending them to Terry Goodwald at the above address. The Proposed CO&A shall become final upon DEP's filing of its responses to any significant written comments

received during the public comment period. DEP reserves the right to withdraw from the CO&A if written comments demonstrate to the Department that the CO&A is not in the public interest.

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#### Notice of Proposed Consent Decree, Amendment to the Statement of Decision and Reopening of Administrative Record

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Delta Chemicals Site  
North Buffalo Township, Armstrong County

#### *Proposed Consent Decree*

The Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), has entered into a Proposed Consent Decree with the Delta Chemicals Response Action Group (Group) at the Delta Chemicals site. The Group consists of 23 Potentially Responsible Parties. Under the Proposed Consent Decree, the Group will perform the final remedial response action for the Delta site, which was selected and identified by DEP in its Statement of Decision (SOD) issued in December 1994. The final remedial response action which the Group will carry out is treatment of contaminated soils, using soil vapor extraction, and collection and treatment of contaminated seeps. The contaminated soils will be remediated to achieve the Statewide health standards under Chapter 303 of the Land Recycling and Environmental Remediation Standards Act, act of May 19, 1995 (P. L. 4, No. 1995-2) (35 P. S. § 6026.101 et seq.) (Act 2, Land Recycling Act). Contaminated seeps will be treated to achieve National Pollution Discharge Elimination System (NPDES) discharge limits. The Proposed Consent Decree also provides that the Group will reimburse DEP for its future response costs. In addition, the Proposed Consent Decree provides for a Covenant Not To Sue, under section 706 of HSCA (35 P. S. §§ 6020.706) with Reopeners under section 505 of the Land Recycling Act and for Contribution Protection under section 705(c)(2) of HSCA, (35 P. S. § 6020.705(c)(2)). The Proposed Consent Decree is authorized by section 505(g) of HSCA (35 P. S. § 6020.505(g)) and is entered into an order to expedite efficient remedial action, minimize prolonged litigation, and to resolve the Group's liability to the DEP under a Cost Recovery Complaint filed by DEP against the Group and other Responsible Parties in November 1995. The Proposed Consent Decree will be lodged with the Pennsylvania Commonwealth Court in Harrisburg, Pennsylvania during a 60-day public comment period provided for under HSCA section 1113 (35 P. S. § 6020.1113).

Delta Chemical is located at the intersection of Worthington and Beatty's Mill Roads in North Buffalo Township. The site consists of 1.3 acres of which approximately 1 acre is enclosed by a fence. Within the fenced portion, there is a small cinder block building, a standpipe buried in the ground, a large and smaller lagoon. There are two contaminated springs located outside the fenced property.

The site's soils, lagoon surface water, the perched groundwater aquifer and surface water and sediment in the unnamed tributary are contaminated with volatile organic compound. Inorganic contamination was found in the surface soil, subsurface soils, in the standpipe, the lagoon surface water and surface water sediments. This contamination poses threats of direct contact, release of hazardous substances to the perched groundwater aquifer and release of vapors to the atmosphere.



This Notice is being provided under section 1113 of HSCA (35 P. S. § 6020.1113) and is being published in the *Pennsylvania Bulletin* and the *Kittanning Leader Times*. The Proposed Consent Decree is available for public review and comments, and is located in the Administrative Record for the Delta Chemicals site. It is maintained by the DEP in its Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA. Persons wishing to submit written comments may do so by sending them to Terry Goodwald at the above address.

The public comment period extends for 60 days from the date of publication in the *Pennsylvania Bulletin*. At the close of the public comment period, DEP will file responses to any significant written comments received during the public comment period. DEP and the Group will then file a Joint Motion to Enter the Consent Decree with Commonwealth Court, requesting the Court approve the Consent Decree. The Consent Decree becomes final upon the Court's approval and entry of the Decree.

#### *Proposed Amendment to Statement of Decision*

In December 1994, the DEP issued a Statement of Decision (SOD) for the Delta Chemicals site. In the SOD, DEP established numerical cleanup standards for specific contaminants present at the Delta site, which was based on DEP's Groundwater Protection Strategy and Cleanup Standards for Contaminated Soil Policy. After the SOD was issued, the Pennsylvania Legislature enacted the Land Recycling Act which provided for the specific cleanup standards for soils and groundwater. The DEP proposes to amend the Delta Chemicals SOD to require contaminated soils be remediated to achieve the Statewide Health Standards established under the Land Recycling Act, as set forth below. The DEP has proposed no other amendments to the SOD.

#### *Soil Performance Standards Under December 1994 Statement of Decision*

The SOD provided that contaminated soils be remediated to the following levels:

<i>Compound</i>	<i>Cleanup Level (mg/kg dry weight)</i>
Benzene	0.9
Chloroform	0.6
1,1-Dichloroethane	0.5
1,2-Dichloroethane	0.8
Ethylbenzene	6.0
Methylene chloride (Dichloromethane)	0.2
1,1,2,2-Tetrachloroethane	1.0
Tetrachloroethene (PCE)	3.0
Toluene	2.0
1,1,1-Trichloroethane	1.0
1,1,2-Trichloroethane	0.9
Trichloroethane (TCE)	2.0
Xylenes	3.0

#### *Revised Soil Performance Standards Under the Land Recycling Act*

Under the proposed amendment to the SOD, contaminated soils will be remediated to the following levels:

<i>Compound</i>	<i>Cleanup Level (mg/kg dry weight)</i>
Benzene	0.8
Chloroform	10.0
1,1-Dichloroethane	0.5
1,2-Dichloroethane	0.5
Ethylbenzene	70.0
Methylene chloride (Dichloromethane)	0.5
1,1,2,2-Tetrachloroethane	1.0
Tetrachloroethene (PCE)	2.0
Toluene	100.0
1,1,1-Trichloroethane	20.0
1,1,2-Trichloroethane	0.8
Trichloroethane (TCE)	2.0
Xylenes	5.0

The soil standards set forth above are the Interim Statewide Health Standards for soils, based on the soil to groundwater pathway. The technical basis for the Interim Standards is described in DEP's Technical Manual for the Land Recycling Act. A copy of the Technical Manual was filed in the Administrative Record for the Delta site.

#### *Reopening of Administrative Record*

The Department is also reopening the Administrative Record for the Delta Chemicals site, under the authority of section 506(g) of HSCA (35 P. S. § 6020.506(g)) and 25 Pa. Code 3.33, in order to include documentation of its response costs incurred in addressing the release and threat of release of hazardous substances from the Delta Chemicals site. The Department opened the administrative record for the Delta Chemicals site, under section 506 of HSCA (35 P. S. § 6020.506) on November 27, 1993, to allow the public to comment on the Department's Proposed Response for the Site. The Administrative Record was closed on December 21, 1994, upon the Department's filing of its SOD. The documentation of the Department's response costs is provided for under section 505(g)(3), and 25 Pa. Code § 3.11(c)(3).

This notice is being provided under section 506(h) of HSCA (35 P. S. § 6020) and 25 Pa. Code § 3.33, and is being published in the *Pennsylvania Bulletin*, and the *Kittanning Leader Times*. The Proposed Amendment to the SOD (and documentation of response costs) are available for public review and comments, and is located in the Administrative Record for the Delta Chemicals sites. It is maintained at DEP's Southwest Regional Office at 400 Waterfront Drive, Pittsburgh, PA. Persons wishing to submit written comments may do by sending them to Terry Goodwald at the above address. Persons wishing to have a public hearing on the proposed amendment to the SOD of the reopening of the Administrative Record may request DEP to hold a public hearing by submitting a written request to DEP at the above address. The written request must be made within 30 days of this notice.

The public comment period extends for 60 days from the date of publication in the *Pennsylvania Bulletin*. At the close of the public comment period, DEP will file responses to any significant written comments received during the public comment period. The proposed amendment to the SOD outlined above will become final upon filing DEP's response to written comments.

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

*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

Permit No. PA6213820503 was incorrectly published in the March 23, 1996 *Pennsylvania Bulletin*. The corrected information follows:

**Permit No. PA6213820503. Letterkenny Army Depot**, (Chambersburg, PA 17201). Application for operation of a hazardous waste container storage area in Letterkenny, Greene and Hamilton Townships, **Franklin County**. Permit issued in the Regional Office March 4, 1996.

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

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

**Permit No. 101541. Delaware Valley Recycling, Inc.**, P. O. Box 323, Skippack, PA 19474. This permit amendment application was denied because of unlawful conduct outlined in an order dated March 20, 1996. Permit amendment application denied in the Southeast Regional Office on March 22, 1996.

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

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

**Permit No. 603398. Compost Facility No. 1, Youngs Sanitary Septic Service** (605 Range End Road, Dillsburg, PA 17019). Application for construction of a sewage sludge composting facility site in Washington Township, **York County**. Permit issued in the Regional Office March 25, 1996.

**Permit No. 101632. Wyeth Labs, Inc.** (P. O. Box 304, Wasp and Biddle Streets, Marietta, PA 17547). Application for infectious waste processing facility for disinfection of egg wastes for a site in East Donegal Township, **Lancaster County**. Permit issued in the Regional Office March 25, 1996.

**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.*

**21-302-113.** On March 25, 1996, the Department issued a plan approval to **Masland Industries** (P. O. Box 40, Carlisle, PA 17013) for the installation of a new boiler and low NOx burner on an existing boiler, both fire natural gas or No. 2 oil, in Carlisle Borough, **Cumberland County**. The sources are subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**21-318-017.** On March 25, 1996, the Department issued a plan approval to **Lane Enterprises, Inc.** (1244 Claremont Road, Carlisle, PA 17013) for the construction of a zinc rich epoxy primer booth controlled by dry filters in Middlesex Township, **Cumberland County**.

**36-310-021E.** On March 25, 1996, the Department issued a plan approval to **D. M. Stoltzfus & Son, Inc.** (219 Quarry Road, Talmage, PA 17580-0084) for the modification of a limestone crushing plant in Fulton Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

**16-302-021.** On March 17, 1996, a plan approval was issued to **Georgia Pacific Corporation** (240 Stonebridge Drive, Columbia, SC 16701) for a wood waste boiler at Washington Township, **Clarion County**.

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

The Department has issued the following plan approvals for the specified companies described below:

Permit: **09-310-042A**  
Source: Portable Stone Crushing Plant  
Issued: March 14, 1996  
Company: **Naceville Materials**  
Location: Plumstead  
County: **Bucks**

Permit: **23-313-045**  
Source: Chemical Process  
Issued: March 15, 1996  
Company: **General Chemical Corporation**  
Location: Marcus  
County: **Delaware**

Permit: **23-399-023B**  
Source: 2 Holding Tanks (ET-2 & ET-4)  
Issued: March 15, 1996  
Company: **DELCTORA**  
Location: City of Chester  
County: **Delaware**

Permit: **23-399-028**  
Source: Baghouse  
Issued: March 22, 1996  
Company: **Witco Corporation**  
Location: Trainer  
County: **Delaware**

Permit: **46-313-143**  
Source: Granular Litharge System  
Issued: March 25, 1996  
Company: **Hammond Lead Products**  
Location: West Pottsgrove  
County: **Montgomery**

Permit: **09-313-091**  
Source: SAPP Process  
Issued: March 25, 1996  
Company: **Rhone Poulenc, Inc.**  
Location: Falls  
County: **Bucks**

Permit: **46-301-249A**  
 Source: Type I Waste Incinerator  
 Issued: March 27, 1996  
 Company: **Vesper Corporation-Penco Products Div.**  
 Location: Upper Providence  
 County: **Montgomery**

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### Coal Applications Issued

**56950107. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of a bituminous strip mine in Black Township, **Somerset County**, affecting 147.0 acres, receiving stream Dempsey Run to Bromm Run to Coxes Creek and Laurel Run to Coxes Creek, application received August 11, 1995, permit issued March 14, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**16920105. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), renewal of an existing bituminous strip operation in Madison Township, **Clarion County** affecting 49.0 acres. Receiving streams two unnamed tributaries to Catfish Run. Application received November 13, 1996. Permit issued February 22, 1996.

**100014-33900106-E-1. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributaries No. 3 and No. 4 to Little Toby Creek in Snyder Township, **Jefferson County**. Mining activities may be conducted no closer than 25 feet to unnamed tributaries No. 3 and No. 4 to Little Toby Creek for the purposes of mineral extraction and support facility construction and maintenance. Receiving streams unnamed tributaries to Little Toby Creek and unnamed tributaries to Mill Creek. Application received December 18, 1995. Permit issued March 2, 1996.

**37830105. Carlson Mining** (R. D. 6, Box 483, New Castle, PA 16101), renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Slippery Rock Township, **Lawrence County** affecting 102.4 acres. Receiving streams Skunk Run. This renewal is issued for reclamation only. Application received August 3, 1995. Permit issued March 1, 1996.

**16940104. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201), transfer of an existing bituminous strip operation in Toby Township, **Clarion County** affecting 28.4 acres. This application was transferred from Crispin Contracting Company. Receiving

streams one unnamed tributary to Cherry Run. Application received January 2, 1996. Permit issued March 7, 1996.

**24950102. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853), commencement, operation and restoration of a bituminous strip operation in Ridgway Township, **Elk County** affecting 105.0 acres. Receiving streams unnamed tributary of Little Mill Creek and Little Mill Creek. Application received August 8, 1995. Permit issued March 4, 1996.

**37850117. Ambrosia Coal & Construction Company** (R. D. 1, Edinburg, PA 16116), renewal of an existing bituminous strip and auger operation in Mahoning Township, **Lawrence County** affecting 110.0 acres. This renewal is issued for reclamation only. Receiving streams unnamed tributaries to Shenango River. Application received January 11, 1996. Permit issued March 15, 1996.

**43850105. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214), renewal of an existing bituminous strip operation in Pine and Mercer Townships, **Mercer and Butler Counties** affecting 96.0 acres. Receiving streams two unnamed tributaries to Swamp Run. Application received December 21, 1995. Permit issued March 15, 1996.

**33910103. Maud Mining Company** (P. O. Box 729, Indiana, PA 15701), renewal of an existing bituminous strip and auger operation in Young, Bell and McCalmont Townships, **Jefferson County** affecting 102.0 acres. Receiving streams unnamed tributary of Elk Run. Application received January 25, 1996. Permit issued March 20, 1996.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

#### Coal Mining Permits Issued

**30841319. Consolidation Coal Company** (P. O. Box 1314, Morgantown, WY 26507), to renew the permit for the Blacksville No. 1 bituminous deep mine in Wayne Township, **Greene County**, no additional discharges. Permit issued March 18, 1996.

**63831301. Consolidation Coal Company** (450 Race-track Road, Washington, PA 15301), to renew the permit for the Westland No. 2 bituminous deep mine in Mount Pleasant Township, **Washington County**, no additional discharges. Permit issued March 18, 1996.

**63841302. Maple Creek Mining, Inc.** (29525 Chagrin Blvd., Suite 111, Pepper Pike, OH 44122), to transfer the Murray Shaft Site/Mon View Mining Company/Mathies Mine in Nottingham Township, **Washington County** to Maple Creek Mining, Inc./Maple Creek Mine, no additional discharge. Permit issued March 28, 1996.

**17841607. Fuel Fabricators, Inc.** (Bigler, PA 16825), to renew the permit for the Coal Prep Plant in Bradford Township, **Clearfield County**, no additional discharge. Permit issued March 28, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54850207R2. Kocher Coal Co.** (P. O. Box 127, Valley View, PA 17983), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Hegins Township, **Schuylkill County** affecting 39.08 acres, receiving stream east branch Rausch Creek. Renewal issued March 18, 1996.

**54950203. Joseph R. Petrole, Sr.** (R. D. 4, Route 309, Tamaqua, PA 18252), commencement, operation and reclamation of an anthracite coal refuse reprocessing operation in Schuylkill Township, **Schuylkill County** affecting 6.72 acres, receiving stream none. Permit issued March 20, 1996.

**54683043R2. Jeddo-Highland Coal Company** (800 Exeter Avenue, West Pittston, PA 18643), renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 1,328.0 acres, receiving stream none. Renewal issued March 22, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

*Noncoal Permits Issued*

**16950306. Ancient Sun, Inc.** (P. O. Box 129, Shipperville, PA 16254), commencement, operation and restoration of a sand and gravel operation in Perry and Toby Townships, **Clarion County** affecting 58.0 acres. Receiving streams unnamed tributary to Black Fox Run. Application received May 2, 1995. Permit issued March 15, 1996.

**302871-16950306-E-1. Ancient Sun, Inc.** (P. O. Box 129, Shipperville, PA 16254), application for a stream encroachment to conduct mining activities within 100 feet of and construct and maintain a haul road crossing over the unnamed tributary to Black Fox Run in Toby and Perry Townships, **Clarion County**. Receiving streams unnamed tributary to Black Fox Run. Application received May 2, 1995. Permit issued March 15, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**38950301. Sheridan Corporation** (1212 West Maple Street, Lebanon, PA 17046-2701), commencement, operation and restoration of a quarry operation in Cornwall Borough, **Lebanon County** affecting 175.2 acres, receiving stream abandoned site to Snitz Creek. Permit issued March 18, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

*General Small Noncoal Authorizations Issued*

**16960801. Lopa Mining, Inc.** (R. D. 2, Shipperville, PA 16254). Commencement, operation and restoration of a small noncoal sandstone operation in Monroe Township, **Clarion County** affecting 8.9 acres. Receiving streams none. Application received January 31, 1996. Permit issued March 13, 1996.

**61960801. William A. Guiste Excavating** (R. D. 2, Box 137, Emlenton, PA 16373). Commencement, operation and restoration of a small noncoal sandstone operation in Clinton Township, **Venango County** affecting 2.0 acres. Receiving streams none. Application received January 4, 1996. Permit issued March 13, 1996.

**33860802. Doverspike Bros. Coal Company** (R. D. 4, Box 271, Punxsutawney, PA 15767). Commencement, operation and restoration of a small noncoal sandstone operation in Perry Township, **Jefferson County** affecting 4.3 acres. Receiving streams none. Application received March 7, 1996. Permit issued March 13, 1996.

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

*Coal Permits Issued*

**17753180. James M. Stott Coal Company, Inc.** (P. O. Box 28, Oak Hill, WV 25901), renewal of an

existing bituminous surface mine permit in Boggs Township, **Clearfield County** affecting 140 acres, receiving streams Laurel Run to Moshannon Creek to west branch Susquehanna River to Susquehanna River, application received November 8, 1995, permit issued March 13, 1996.

**17900132. Moshannon Falls Mining Company, Inc.** (P. O. Box 472, 12 N. Front Street, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Bradford Township, **Clearfield County** affecting 197 acres, receiving streams Sulphur Run and Millstone Run to the west branch of the Susquehanna River and Valley Fork Run to the west branch Susquehanna River, application received January 30, 1996, permit issued March 19, 1996.

**17860101. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Ferguson Township, **Clearfield County** affecting 217 acres, receiving streams unnamed tributary to Wilson Run, unnamed tributary to Barrett Run, and Barrett Run, application received January 22, 1996, permit issued March 19, 1996.

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

**03910107R. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Washington Township, **Armstrong County**, affecting 126.7 acres. Receiving streams unnamed tributaries to the Allegheny River and unnamed tributaries to Limestone Run. Application received December 18, 1995. Renewal issued March 18, 1996.

**63890103R. Pangersis Coal Company** (165 Old McKee Road, Oakdale, PA 15701). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 28.5 acres. Receiving streams unnamed tributary to Robinson Run. Application received December 6, 1995. Renewal issued March 18, 1996.

**04723003R. Darlington Brick & Clay Products Co.** (P. O. Box 346, Darlington, PA 16115). Renewal issued for continued operation and reclamation of a bituminous surface mine located in South Beaver Township, **Beaver County**, affecting 213.1 acres. Receiving streams unnamed tributaries to Brush Run to North Fork Little Beaver to Little Beaver Creek. Application received December 12, 1994. Renewal issued March 18, 1996.

**65950110. V. P. Smith Co., Inc.** (P. O. Box 242, Ligonier, PA 15658). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 80 acres. Receiving streams Union Run and unnamed tributaries to Union Run. Application received November 2, 1995. Permit issued March 21, 1996.

**26910108. Stash Mining Company** (R. D. 1, Box 152E, Smock, PA 15488). Permit revised to add mining of the Pittsburgh coal seam on a surface mining site located in Georges Township, **Fayette County**, affecting 64 acres. Receiving streams unnamed tributary to North Branch of Browns Run, to north branch of Browns Run, to Browns Run, to Monongahela River. Application received August 29, 1995. Revision issued March 26, 1996.

**63900101R. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Fallowfield Township and Twilight Borough,

**Washington County**, affecting 43.0 acres. Receiving streams an unnamed tributary to Maple Creek and Maple Creek. Renewal application received January 12, 1996. Renewal permit issued March 26, 1996.

**65840111R. M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Renewal issued for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 282.0 acres. Receiving streams unnamed tributaries to Stoney Run. Renewal application received December 11, 1995. Renewal permit issued March 26, 1996.

**03950107. Rosebud Mining Company** (R. D. 2, Box 324B, Parker, PA 16049). Permit issued for commencement, operation, and reclamation of a bituminous surface auger mine located in South Bend and Burrell Townships, **Armstrong County**, affecting 248.0 acres. Receiving streams unnamed tributaries of Crooked Creek to Crooked Creek. Application received August 30, 1995. Permit issued March 26, 1996.

**04950101. Kerry Coal Company** (P. O. Box 19, Portersville, PA 16051). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Darlington Township and Big Beaver Borough, **Beaver County**, affecting 65.5 acres. Receiving streams unnamed tributary to North Fork Little Beaver Creek, North Fork Little Beaver Creek, Little Beaver Creek. Application received September 20, 1995. Permit issued March 27, 1996.

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

#### *Coal Applications Returned*

**26940901. Victor Piatti** (R. D. 1, Box 253, Route 40 East, Hopwood, PA 15445). Application returned for commencement, operation and reclamation of an incidental coal extraction application for a site located in Georges Township, **Fayette County**, proposed to affect 15.5 acres. Receiving streams unnamed tributary to Georges Creek to Georges Creek then to the Monongahela River. Application received November 17, 1994. Application returned March 18, 1996.

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

#### *Large Noncoal Permits Issued*

**14920301. Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823), commencement, operation and restoration of a Large Noncoal (Valentine Limestone) permit in Haines Township, **Center County** affecting 87.4 acres, application received April 16, 1992, permit issued March 25, 1996.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (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 proves a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302), sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a))** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

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

**E28-235. Encroachment. Jerr-Dan Corp.**, 1080 Hykes Rd., Greencastle, PA 17225. To relocate and maintain about 335 feet of stream channel with revetment of an unnamed tributary to Conococheague Creek and to place fill in 0.011 acre of associated wetlands in order to construct the relocation of Greenmount Road (T-350) located about 1,200 feet north of Greenmount School (Hagerstown, MD-PA Quadrangle N: 20.05 inches; W: 16.57 inches) in Antrim Township, **Franklin County**.

**E67-546. Encroachment. David and Jamie Lynn Hoffman**, 4937 Gettysburg Road, Mechanicsburg, PA 17055. To construct and maintain three 81-inch high × 59-inch wide × 40-foot long C.M.P.A.'s and associated fill in the floodway of Stoney Run for the purpose of providing access to a single family residence located north of the Stephen Street cul-de-sac (Dillsburg, PA Quadrangle N: 17 inches; W: 0.25 inch) in Carroll Township, **York County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

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

**E08-232. Water obstruction and encroachment. Borough of Sayre**, 110 W. Packer Ave., Sayre, PA 18840. To place and maintain fill, about 400 feet by 300 feet in the floodplain of the Susquehanna River. This project is located about 1,200 ft. upstream of the Athens Borough/Sayre Borough boundary (Sayre, PA Quadrangle N: 18.4 inches; W: 1.9 inches) in the Borough of Sayre, **Bradford County**.

**E47-055. Water obstruction and encroachment. Valley Township Municipal Authority**, P. O. Box 307, Danville, PA 17821. To place and maintain about 4 feet of fill and to construct and maintain an office building in the floodway fringe of Mause Creek, a CWF stream. The project is located next to Route 54 about 2 miles north of its intersection with Route 11 (Riverside, PA Quadrangle N: 20.5 inches; W: 1.3 inches) in Valley Township, **Montour County**.

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

**E15-506.** Encroachment. **Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. To perform perpetual routine maintenance at the Fish and Boat Commission's South Pottstown boat access (Pottstown, PA Quadrangle N: 21.0 inches; W: 3.5 inches) in North Coventry Township; at the East Coventry boat access (Phoenixville, PA Quadrangle N: 18.0 inches; W: 16.25 inches) in East Coventry Township; at the Phoenixville boat access (Phoenixville, PA Quadrangle N: 6.0 inches; W: 1.63 inches) in Schuylkill Township; at the Struble Lake boat access (Wagontown, PA Quadrangle N: 21.0 inches; W: 16.25 inches) in Honey Brook Township; and at the fishing parking area located near the breached Icedale Lake dam (Wagontown, PA Quadrangle N: 12.25 inches; W: 11.0 inches) in West Brandywine Township, **Chester County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E09-685.** Encroachment. **Congregation Beth El**, 17 Penn Valley Road, Fallsington, PA 19054. To regrade 0.11 acre of wetlands for the purpose of correcting stormwater drainage problems which exist along Cinnabar Lane. This project also includes installation and maintenance of a 30-foot long, 30 inch by 19-inch H.E.R.C.P. culvert extension, located along a tributary to Rock Run which is associated with the widening of Stony Hill Road, which was previously authorized under Permit No. E09-511. This road widening will also result in the placement of fill material in 0.23 acre of adjacent wetlands. This site is located at the property of Congregation Beth El on the west side of Stony Hill Road (S. R. 2069), approximately 500 feet northwest of the intersection of Stony Hill Road and Roelofs Road (Trenton West, PA-NJ Quadrangle N: 15.2 inches; W: 14.0 inches) in Lower Makefield Township, **Bucks County**. The permittee shall construct 0.23 acre of wetland replacement.

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

**E10-230.** Encroachment. **St. John Lutheran Care Center**, 500 Wittenberg Way, Mars, PA 16046. To maintain a 19-foot span by 6-foot rise C. M. pipe arch bridge across a tributary to Breakneck Creek on the northern driveway of the St. John Lutheran Care Center (Mars, PA Quadrangle N: 12.6 inches; W: 2.0 inches) located in Mars Borough, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**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 the Commonwealth.**

*Southeast Regional Office: Bureau of Water Supply and Community Health, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

*Permit Issued*

**WA 09-959A.** Water allocation. Warrington Township, **Bucks County**. The right to purchase 25,000 gallons per day, based on a 30-day average, from North Wales Water Authority.

*Type of Facility:* Subsidiary water allocation.

*Consulting Engineer:* Gilmore & Associates, Inc., 852 Easton Road, Warrington, PA 18976.

*Permit Issued:* March 20, 1996.

*Southwest Regional Office: Field Operations, Water Supply and Community Health, Regional Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000 (answers 24 hours).*

*Permit Issued*

**WA3-906A.** Water allocation. Date Issued: March 25, 1996. The West Kittanning Municipal Authority, Kittanning, Armstrong County, PA. The right to purchase a maximum of 165,000 gallons per day (gpd) of water (624,525 liters per day of water), as a 30-day average, from the Borough of Appelowd, Armstrong County, with a combined purchased quantity from the Borough of Appelowd, and the Kittanning Suburban Joint Water Authority not to exceed 165,000 gpd of water (624,525 liters per day of water), as a 30-day average.

## SPECIAL NOTICES

### Proposed Submittals Requiring Registered Professional Geologists Seals Under the Pennsylvania Engineer, Land Surveyor and Geologist Registration Law

With the passage of the amendments to the Engineer, Land Surveyor and Geologists Registration Law, the Department of Environmental Protection is proposing to require that certain actions submitted as part of permit applications or reports be sealed by a Registered Professional Geologist. This registration must be made in accordance with the provisions of The Pennsylvania Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2).

The licensing and registration of Professional Geologists has caused the Department to examine the entire range of geologic work products in an effort to determine which actions will require appropriate sealing. To accomplish this effort the Department convened an internal workgroup which analyzed the full range of actions that the Department currently reviews on a regular basis. This workgroup reviewed actions by programs within the following agencies:

*Department of Environmental Protection:*

Abandoned Mine Reclamation  
Environmental Clean-Up  
Flood Protection Projects  
Dams, Waterways and Wetlands  
Land and Water Conservation  
Land Recycling and Waste Management  
Mining and Reclamation  
District Mining Offices  
Oil & Gas Management  
Radiation Protection  
Water Quality Management  
Water Supply and Community Health

The workgroup met over a 1 1/2 year period to determine which submittals the Department would require to be sealed by a Registered Professional Geologist. These submittals are listed on the following tables, by program. During the course of this effort it was determined that all submittals to the Department will fall into one of four categories.

The categories are:

- A. Submittals or tasks which must be prepared by a Registered Professional Geologist.

- B. Submittals which do not need to be prepared by a Registered Professional Geologist.
- C. Submittals which could be prepared or submitted by either a Registered Professional Geologist or another licensed professional as defined in the registration law.
- D. Submittals which would require preparation and submittal by both a Registered Professional Geologist and Professional Engineer.

Categories A, B, C and D refer to the column headings on the accompanying tables.

Following the public comment period, which closes June 7, 1996, DEP permit application forms and other procedures and policies will be amended to require the use of Registered Professional Geologist seals.

Discussions on this proposed action will be held during the following meetings:

April 30 10:30 a.m. Northcentral Regional Office,  
Maurice Goddard Room, Williamsport, PA

May 6	10 a.m.	Northeast Regional Office, 2nd Floor Conference Room, Wilkes-Barre, PA
May 8	10 a.m.	Rachel Carson State Office Building, 2nd Fl Auditorium, Harrisburg, PA
May 15	1 p.m.	Southwest Regional Office, Monongahela Room, Pittsburgh, PA
May 16	10 a.m.	Northwest Regional Office, Conference Room A/B, Meadville, PA
May 20	10 a.m.	Southeast Regional Office, Hearing Room, Conshohocken, PA

Written comments may be directed to Eric R. Conrad, Office of Field Operations, P. O. Box 2063, Harrisburg, PA 17105-2063 or e-mail at Conrad.Eric@a1.dep.state.pa.us.

It is anticipated that the list of submittals requiring a Registered Professional Geologist seal will change over time as agency expertise evolves and as the regulated community has an opportunity to comment.

*Program Area: Bureau of Water Supply and Community Health*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
All geologic well logs associated with public water supply permits including, test wells and test borings (incidental to permit)	X <sup>3</sup>			
The construction details for public water supply wells and back-up wells			X	
The-step-drawdown pumping test data	X	X <sup>4</sup>		
The 48-hour constant-rate pumping test data	X	X <sup>4</sup>		
The sustained yield rating data	X	X <sup>4</sup>		
Delineation maps and data of wellhead protection areas	X	X <sup>5</sup>		
Wellhead protection management approaches		X <sup>2</sup>		
Vulnerability assessments	X <sup>1</sup>	X		
Site location maps for public water supply wells			X	
Geologic maps and data for water allocation permits	X			
SWIP monitoring plans, sample results, data evaluations and SWIP Determination	X <sup>1</sup>	X <sup>6</sup>		

<sup>1</sup> It requires advanced interpretation or professional opinion, then an RPG should be required.

<sup>2</sup> The plans for WHP need not be conducted by an RPG or PE; in fact, the plan should probably be developed by an environmental planner.

<sup>3</sup> Logs should be made at least under supervision of RPG and any reports (with interpretation) should be used by RPG.

<sup>4</sup> Data can be gathered by (B), however, any interpretation or analysis should be conducted by RPG.

<sup>5</sup> WHP and delineation standard will be fixed radius and, therefore, will not require RPG. Any advanced delineation requiring analysis and interpretation of hydrogeologic data should be signed by RPG.

<sup>6</sup> SWIP designed so that data can be gathered by anyone; however, BWSCH has done interpretation. Any challenges should be submitted by RPG.

*Program Area: Bureau of Water Quality Management*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Reports submitted on special groundwater studies which are contracted to outside agencies	X			
Groundwater Monitoring Well Data Reports with interpretation	X			
Groundwater Monitoring Well Data Reports with no interpretation		X		

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Preliminary hydrogeologic information required prior to Water Management Part II permit application submission for land application of sewage (ER-BWQ 188.A) or industrial wastewater (ER-BWQ 51.2)	X			
Preliminary hydrogeologic information required for NPDES permit application for discharges of sewage (ER-BWQ 188.11) or industrial wastewater (ER-BWQ 288.10) to dry stream channels	X			
Module 12—Spray Irrigation—of Form ER-BWQ 188.A	X			
Module 5A—Supplemental Geology and Groundwater Information (ER-BWQ 189.5A1)	X			

*Program Area:* Bureau of Water Quality Management

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Sewage Facilities Planning Module Component 2 (Site Evaluation for On-Lot Disposal of Sewage), Sections G (Preliminary Hydrogeology), H (Permeability Testing), and I (Detailed Hydrogeologic Study)	X			
Sewage Facilities Planning Module Component 3.s (Small Flow Treatment Facilities) Section E (Disposal), Parts 2 and 3 (relating to dry-intermittent/nonperennial stream discharges and spray irrigation/land application discharges)	X			
Geologic information required in base Official Sewage Facilities Plan required under Act 537 (as described in Chapter 71, Section 71.21 of the Department's regulations)	X			
Hydrogeologic Environmental Site Assessments	X			
Remedial Action Plans for Soil and/or Groundwater Contamination				X
WQM Permit Application for Sewage or Industrial Waste Spray Irrigation				X
NPDES Permit Application for Groundwater Treatment System with Stream Discharge				X
WQM Permit Application for Groundwater Treatment with Underground ReInjection				X
Groundwater Monitoring Well Data Reports with no interpretation		X		
Groundwater Monitoring Well Data Reports with interpretation	X			
WQM Permit Application for Large Volume On-lot and Community Sewage Systems				X

*Program Area:* Bureau of Land Recycling and Waste Management—Storage Tank Cleanups

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Closure Report—Site Assessment Activities Only		X		
Site Characterization Report (Chapter 245.310(b), no groundwater impact)		X		
Site Characterization Report (includes feasibility study)				X
Remedial Action Plan				X
Remedial Action Progress Reports		X		
Remedial Action Completion Report				X

*Program Area:* Bureau of Land Recycling and Waste Management

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
<i>Municipal and Residual Waste Forms</i>				
Geologic Information	X			
Hydrogeologic Information	X			
Initial Groundwater Analysis (Background)	X			



<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Mineral Deposits—Phase 1 if no mining	X			
Mineral Deposits—Phase 1 if mining present (potential for subsistence)				X
Alternate Water Supply	X			
Water Quality Monitoring System	X			
Exclusionary Area Criteria/Env't. Assessment			X	
Groundwater Assessment Plan	X			
Groundwater Abatement Plan	X			
Groundwater Characterization Plans and Reports (pre-operational data on physical and chemical aquifer characterization). These requirements are covered by Sections 273.115 and 273.116 of the Municipal Waste Regulations and Sections 288.122 and 288.123 of the Department's Residual Waste Regulations	X			
Groundwater Quality Monitoring Plan described in Sections 273.152 and 288.152 of the Municipal and Residual Waste Management Regulations respectively	X			
Hazardous Waste Phase 1 Exclusionary Criteria 269.21 (water supply), 269.24 (oil and gas area) and [Sections 269.25 (carbonate)]	X			
Phase 2 Criteria Sections 269.41 water supply, 269.42 (geology) and 269.44(a) mineral bearing areas	X			
Phase 2 Criteria Section 269.49(b) subsidence risk				X
<i>Hazard Waste Forms</i>				
HW-3 Geologic Information	X			
HW-4 Hydrogeologic Information	X			
Groundwater Quality Assessment Program (Outline) (25.264.91)	X			
Compliance Monitoring [25.264.99(a)(3)] Regs require certification by qualified Geo. or Geotech. Engineer				X
Corrective Action [25.264.100(a)] 264.100(A)(1) to (10) requires engineering feasibility analysis g.w. monitoring program and reports or effectiveness of program				X
Maps providing groundwater flow direction	X			
Maps showing the extent of groundwater contaminant migration	X			
Groundwater characterization/investigation studies	X			
Investigations of potential groundwater contamination	X			
Assessments of groundwater contamination	X			
Abatement/remediation of groundwater contamination				X
Groundwater monitoring systems	X			
Groundwater monitoring Sample data		X		
Sampling and analysis plans for Groundwater monitoring	X			
Comprehensive Investigation Reports (Related to any project) Closure Plan/Report, Geologic/Hydrologic and Detailed Phased Reports	X			
Health and Safety Plan (Related to any project)		X		
Project Work Plan (Related to any project)			X	
Groundwater Characterization Investigations	X			
Groundwater Remediation Feasibility Study Reports				X
Quality Assurance and Quality Control Plan (Related to any project)		X		
Remedial Design/Groundwater Abatement Work Plan				X
Investigation Reports without geologic interpretation		X		
Routine Data Submission without geologic interpretation		X		
Basic Assessment Reports without geologic interpretation		X		
Data Collection Submittals without geologic interpretation		X		

*Program Area: Environmental Cleanup Program (including Special Projects, Act 2, HSCP and Storage Tanks)*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Work plans proposing monitoring well locations, installation procedures, logging procedures and/or sampling protocols	X			
Site Characterization Report	X			
Baseline Remedial Investigation Report	X			
Feasibility studies proposing groundwater remediation				X
Remedial action plans (design) for sites with contaminated groundwater				X
Cleanup Plans				X
Site Remediation Reports				X
Storage tank closure reports		X		
Reports presenting groundwater sampling data from quarterly, semi-annual or annual monitoring programs		X		
Quarterly progress reports documenting implementation of approved assessment and/or remediation programs		X		
Final Reports documenting completion of a groundwater remedial action program				X
Extent of groundwater contamination studies	X			
Risk Assessment Reports (Act 2)				X

*Program Area: Environmental Cleanup Program*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Reports which specifically deal with groundwater sampling and analysis plans (SAMPs) and evaluation of groundwater sampling data. An example of this type of report is groundwater monitoring work plans	X			
Reports specifically dealing with groundwater and/or geology characterization, including any geophysical, geostatistical and groundwater modeling. An example of this type of document is a hydrogeological/investigation report	X			
Reports which contain or evaluate unconsolidated or consolidated boring/coring programs, construction details and logs for monitoring wells. Fracture trace analyses, if completed as a separate report	X			
Stratigraphic columns, geologic cross-sections, groundwater contour maps, isopachs, geologic maps, fence diagrams should also require certification by an RPG; contained in a geologic report or as part of another report	X			
Capture Zone analysis for a groundwater pump and treat system should be done by a RPG, whether this is submitted in a separate report or as part of a remedial design document	X			
Designs of groundwater remediation systems, which would include the following: pump and treat, interceptor trenches, chemical treatment barriers, and the like				X
Remedial Investigation work plans or reports which contain groundwater characterization	X			
Pump test data and interpretations	X			
Geologic logs with interpretations	X			
Monitoring well construction designs	X			
As built well details			X	
Lithologic Descriptions	X			
Health and Safety Plans		X		
Instrument Calibrations and Field applications		X		
Extent of excavation		X		
Feasibility studies involving geology				X
Aboveground Storage Tank siting requiring geologic data for structural stability				X

*Program Area: Bureau of Abandoned Mine Reclamation*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Mine Fire Evaluation and Abatement (Multi Discipline)				X
Mine Drainage Control (Multi Discipline)				X
Hydrogeologic Evaluations (including groundwater)	X			
Geological Interpretations as Part of Overall Site Evaluations or Studies	X			
Watershed Studies—including impact of area geology (Multi Discipline)				X
Core Logging and Evaluations	X			
AMD Abatement (may require Multi Discipline)			X	
Subsidence Modeling or Evaluation (Multi Discipline)				X
Slope Stability Analysis			X	
Reclamation of Surface Structures		X		
Water Supply Impact or Replacement			X	

*Program Area: Bureau of Mining and Reclamation*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
<i>Bituminous Underground, Preparation Plant and Coal Refuse Disposal Applications</i>				
Application (Mining/NPDES)		X		
General Information		X		
Ownership/Compliance Information		X		
Areas Where Mining is Prohibited or Restricted		X		
Property Interests/Right of Entry		X		
Operation Plan		X		
Geologic Information	X			
Hydrology	X			
Local Mining, Waste Disposal, Water, Sewage and Government Information		X		
Surface Activity Site Maps—all maps need seal			X	
Soil, Land Use/Vegetation/Prime Farmland Information		X		
E&S Controls/Site Development Plans			X <sup>1</sup>	
Stream Variances/Relocations			X <sup>2</sup>	
Mine Openings—also need a P.E.				X
Impoundments and Liners			X <sup>3</sup>	
Air Pollution and Noise Control		X		
Subsidence Control				X
Underground Mine Plan Maps			X <sup>4</sup>	
Reclamation Plan		X <sup>5</sup>		
Reclamation Cost Estimates		X		

<sup>1</sup> Haul road designs must be certified by PE or RS<sup>2</sup> Certain stream encroachment plans must be certified by PE<sup>3</sup> Impoundments on coal refuse disposal areas and impoundments requiring Chapter 105 permits must be certified by PE. Other impoundments must be certified by PE, RS, or RS and RPG (in case of lined impoundment).<sup>4</sup> Subsidence control plan, maps must be certified by PE or RS<sup>5</sup> Plans for alternate post mining land use must be certified by PE

*Program Area: Bureau of Mining and Reclamation*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Underground Disposal/Backstowing			X	
In-situ Processing				X
Social and Economic Impact Justification		X		
<i>Anthracite Underground</i>				
Phase I Slope Development			X	
NPDES Discharge Information		X		
Areas Where Mining is Restricted or Prohibited		X		
Property Interests/Right of Entry		X		
Ownership/Compliance Information		X		
Interim Slope Development Plan			X	
Interim Operations			X	
Activities Within 100' of a Stream			X <sup>1</sup>	
Interim Reclamation Plan		X		
Geology/Hydrology—Slope Development	X			
Operations Plan		X		
Erosion and Sedimentation Control Plan			X	
Ponds and Impoundments			X <sup>2</sup>	
Coal Refuse Disposal			X	
Geology and Hydrology	X			
Prime Farmland		X		
Reclamation Plan		X <sup>3</sup>		
Maps			X	

<sup>1</sup> Stream encroachment plans must be certified by PE

<sup>2</sup> Impoundments must be designed by PE

<sup>3</sup> Plans for alternate post mining land use must be certified by PE

*Program Area: Bureau of Mining and Reclamation*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
<i>Anthracite Preparation Plant</i>				
General Information—Anthracite Preparation Plant		X		
Ownership Information		X		
Compliance Information		X		
Property Interests/Right of Entry		X		
Areas Where Mining is Restricted or Prohibited		X		
Operations Plan		X		
Land Use		X		
Erosion and Sedimentation Control Plan/Sedimentation			X <sup>1</sup>	
Ponds/Impoundments				
Streams, Variances, Relocations			X <sup>2</sup>	
Geology	X			
Hydrology	X			
Reclamation Plan and Costs		X		
Location Map			X	
Operations Map			X	
Liners			X	
Reclamation Map			X <sup>3</sup>	

<sup>1</sup> Impoundment designs must be certified by PE

<sup>2</sup> Certain encroachment plans must be certified by PE

<sup>3</sup> Plans for alternate post mining land use must be certified by PE

*Program Area: Bureau of Mining and Reclamation*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
<i>Noncoal Surface Mine Permit Application</i>				
Application		X		
General Information		X		
Ownership/Compliance Information		X		
Property Interests/Right of Entry		X		
Environmental Resources Map (factual documentation)			X	
Geology Information	X			
Hydrology	X			
Operations Map			X	
Operational Information (Plan)		X		
Erosion and Sedimentation Controls			X <sup>1</sup>	
Impoundments/Treatment			X <sup>2</sup>	
Streams, Variances, Relocations			X <sup>3</sup>	
Blasting Plan		X		
Air Pollution Control Plan		X		
Land Use and Reclamation Map			X	
Land Use/Vegetation Plan		X		
Postmining Land Use		X <sup>4</sup>		
Topsoil/Subsoil		X		
Revegetation		X		
Social and Economic Impact Statement for High Quality Waters		X		

<sup>1</sup> Haul roads must be certified by PE or RS

<sup>2</sup> Impoundments requiring Chapter 105 permits must be certified by PE. Other impoundments must be certified by PE or RS

<sup>3</sup> Certain stream encroachment plans must be certified by PE

<sup>4</sup> Plans for alternate post mining land use must be certified by PE or RS

*Program Area: Bureau of Mining and Reclamation*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
<i>Coal Surface Mine Permit Application</i>				
Application		X		
General Information		X		
Ownership/Compliance Information		X		
Areas Unsuitable for All or Certain Types of Mining		X		
Property Interests/Rights of Entry		X		
Environmental Resources Map			X	
Geology Information	X			
Hydrology	X			
Operations Map			X	
Operational Information		X		
Coal Refuse Disposal			X	
Erosion and Sedimentation Controls			X <sup>1</sup>	
Impoundment/Treatment			X <sup>2</sup>	
Streams			X <sup>3</sup>	
Excess Spoil			X <sup>4</sup>	
Blasting Plan		X		

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Air Pollution Control Plan		X		
Land Use and Reclamation Map			X	
Land Use/Vegetation/Prime Farmland		X		
Postmining Land Use		X <sup>5</sup>		
Topsoil/Subsoil		X		
Prime Farmland Reconstruction		X		

<sup>1</sup> Haul roads must be certified by PE or RS

<sup>2</sup> Impoundments requiring Chapter 105 permits must be certified by PE. Other impoundments must be certified by PE or RS

<sup>3</sup> Certain stream encroachment plans must be certified by PE

<sup>4</sup> Excess spoil handling plans must be certified by PE

<sup>5</sup> Plans for reclaiming site to grades other than AOC must be certified by PE

*Program Area: Bureau of Mining and Reclamation*

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Sewage Sludge/Coal Ash for Land Reclamation				X
Revegetation		X		
Social and Economic Impact Statement for High Quality Waters		X		
Fly Ash/Bottom Ash Disposal			X <sup>1</sup>	
Remining				X
<i>Bituminous Refuse Disposal</i>				
Application		X		
General Information		X		
Ownership/Compliance Information		X		
Areas Unsuitable for All or Certain Types of Mining		X		
Property Interests/Right of Entry		X		
Environmental Resource Maps			X	
Geology Information	X			
Hydrology	X			
Soils/Prime Farmlands		X		
Land Use/Vegetation		X		
Design Plans			X	
Stability			X <sup>2</sup>	
Erosion and Sedimentation			X <sup>3</sup>	
Streams, Variances, Relocations, Wetlands			X <sup>4</sup>	
Air Pollution Control		X		
Topsoil/Subsoil		X		
Treatment Facilities			X <sup>5</sup>	

<sup>1</sup> Plans for fly ash/bottom ash disposal must be certified by PE

<sup>2</sup> Stability analyses must be certified by PE

<sup>3</sup> Haul road designs must be certified by PE or RS

<sup>4</sup> Stream encroachment plans must be prepared by PE

<sup>5</sup> Impoundment designs must be certified by PE

*Program Area:* Bureau of Mining and Reclamation

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Prime Farmland Reconstruction		X		
Revegetation		X <sup>1</sup>		
Fly Ash/Bottom Ash Disposal			X <sup>2</sup>	
<i>Other</i>				
Geologic and Hydrologic Studies	X			
Abatement Plans				X

<sup>1</sup> Plans for alternate post mining land use must be certified by PE

<sup>2</sup> Plans for fly ash/bottom ash disposal must be certified by PE

*Program Area:* Bureau of Oil and Gas Management

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Groundwater clean-up reports				X
Enforcement water supply/Pre-Drilling survey (water supply and sampling)		X		
Seasonal high groundwater level determinations (soil mottling)		X		
Surveyor—permit plat and well locations for abandoned well locations for abandoned enforcement cases and distance restrictions			X	
Section 7 waiver requests involving geological determinations	X			
Submission of permit objections under Section 202			X	
Submission of notice of intent to plug		X		
Submission of maps for underground gas storage reservoirs				X
Waivers of distance of oil or gas wells from wetlands, streams, bodies of water (E&S plans)		X		
Request for alternate casing methods (equivalent or superior protection)			X	
Request for alternate plugging methods (equivalent or superior protection)			X	
Drilling permit applications (locational information by surveyor)			X	
Applications for land farming of drill cuttings applications			X	
Applications for disposal of fluids by land applications			X	
Submission of E&S Plans			X	
Submission of Control and Disposal plans for brine and cuttings		X		
Studies to delineate areal extent of groundwater contamination	X			
Portion of Part II CSL permit application dealing with groundwater flow direction and monitoring proposal	X			
Groundwater monitoring well data reports with interpretation	X			
Preliminary hydrogeologic information required for NPDES permit application for discharges to dry stream channels	X			

*Program Area:* Bureau of Land and Water Conservation

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Activities related to Chapter 102 regulations			X	

*Program Area:* Bureau of Flood Protection Projects and Bureau of Dams, Waterways and Wetlands

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
The initial geological site investigation report including the "Test Boring Results Drawing" as required by DGS	X			
A rock formation analysis where required for a dam design				X

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Any report required during construction concerning unexpected geologic conditions at the project site	X			
Coastal geology reports concerning bluff and beach erosion and subsequent transportation and deposition of sediment	X			
Geologic borehole logs with interpretation	X			
Geologic borehole logs with no interpretation		X		
Laboratory report of soil analyses		X		

*Program Area:* Bureau of Oil and Gas Management

<i>Topic</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
Groundwater clean-up reports	X			
Enforcement water supply/Pre-Drilling survey (water supply and sampling)		X		
Seasonal high groundwater level determinations (soil mottling)		X		
Surveyor—permit plat and well locations for abandoned well locations for abandoned enforcement cases and distance restrictions			X	
Section 7 waiver requests involving geological determinations	X			
Submission of permit objections under Section 202			X	
Submission of notice of intent to plug		X		
Submission of maps for underground gas storage reservoirs	X			
Waivers of distance of oil or gas wells from wetlands, streams, bodies of water (E&S plans)		X		
Request for alternate casing methods (equivalent of superior protection)			X	
Request for alternate plugging methods (equivalent or superior protection)			X	
Drilling permit applications (locational information by surveyor)			X	
Applications for land farming of drill cuttings applications			X	
Application for disposal of fluids by land applications			X	
Submission of E&S Plans			X	
Submission of Control and Disposal plans for brine and cuttings		X		
Studies to delineate areal extent of groundwater contamination	X			
Portion of Part II CSL permit application dealing with groundwater flow direction and monitoring proposal	X			
Groundwater monitoring well data reports with interpretation	X			
Preliminary hydrogeologic information required for NPDES permit application for discharges to dry stream channels	X			

[Pa.B. Doc. No. 96-590. Filed for public inspection April 12, 1996, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### State Surplus Property

The Department of General Services, State Surplus Property Division is offering off road equipment and dump trucks for sale at public auction on May 18, 1996, at 9 a.m. located at the Department of Transportation's equipment shed in Waynesburg, PA, Greene County.

Some of the equipment for sale will be approximately 22 dump trucks including single axle and tandem axle trucks. Other items for sale will be various types of off road equipment, plus many other items. For more information, call (717) 787-4085.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-591. Filed for public inspection April 12, 1996, 9:00 a.m.]



## DEPARTMENT OF HEALTH

### Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

*CON-95-D-2298-B:* Signal Medical Services, Inc., 74 Batterson Park Road, Farmington, CT 06032. The project involves adding Pottsville Hospital and Warne Clinic to an existing mobile lithotripsy service, at no increase in cost.

*CON-94-F-2271-B:* HealthSouth Nittany Valley Rehabilitation Hospital, 550 West College Avenue, Pleasant Gap, PA 16823. The project involves establishing a 16 bed HBSNF unit through the conversion of rehabilitation beds, at an estimated cost of \$334,500.

*CON-96-H-2595-B:* Latrobe Area Hospital, 121 West Second Avenue, Latrobe, PA 15650-1096. The project involves establishing a 20 bed hospital-based skilled nursing unit through conversion of medical/surgical beds and delete 15 additional medical/surgical beds, at an estimated cost of \$1,590,000.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning April 13, 1996. Any interested person, 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. Signal Medical Services public meeting will begin at 1 p.m., Thursday, May 9, 1996. HealthSouth public meeting will begin at 9:30 a.m. and Latrobe public meeting will begin at 2:30 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. 96-592. Filed for public inspection April 12, 1996, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The contractor referenced below has been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this person or this firm, or any firms, corporations or partnerships in which such person or firm has an interest, shall be awarded no contract for 3 years after the date listed.

JOHNNY J. BUTLER,  
*Secretary*

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Edward Schench, Jr., t/a Deja Vu Mechanicals	600 Creamery Road Nazareth, PA 18064 -or- Route 2, Box 147 Easton, PA 18042	3/29/96

[Pa.B. Doc. No. 96-593. Filed for public inspection April 12, 1996, 9:00 a.m.]

### PORT OF PITTSBURGH COMMISSION Request for Proposals

The Port of Pittsburgh Commission requests proposals from qualified parties to assist with the preparation and execution of a program of governmental and public affairs. Please submit a brief statement of qualifications and hourly rate schedule to Public Affairs Search, Port of Pittsburgh Commission, 503 Martindale Street, Pittsburgh, PA 15212.

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 96-594. Filed for public inspection April 12, 1996, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Income Limits for the Categorically Needy Nonmoney Payment Medical Assistance Program

The Department of Public Welfare increased the income limits codified at 55 Pa. Code § 181.1(f)(1), (2) and (4) effective January 1, 1996.

The regulations at 55 Pa. Code § 181.1(f)(1), (2) and (4) establish that the income limits for the Categorically Needy Nonmoney Payment (NMP) Medical Assistance (MA) Program for aged, blind and disabled persons are based on the Federal benefit rate payable under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383c). Effective January 1, 1996, the Federal benefit rate was increased due to the Federal cost-of-living increase. Ap-

# DEPARTMENT OF REVENUE

## Pennsylvania Barrel O'Bucks Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Barrel O'Bucks.
2. *Price:* The price of a Pennsylvania Barrel O'Bucks instant lottery game ticket is \$1.00.
3. *Play Symbols:* Each Pennsylvania Barrel O'Bucks instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$25\$ (TWEN-FIV), \$100\$ (ONE HUN), \$500 (FIV HUN) and \$5000 (FIV THO).
4. *Prizes:* The prizes that can be won in this game are one free ticket, \$1, \$2, \$5, \$25, \$100, \$500 and \$5,000.
5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,497,600 tickets will be printed for the Pennsylvania Barrel O'Bucks instant lottery game.
6. *Determination of Prize Winners:*
  - (a) Holders of tickets with three matching play symbols of \$5000 (FIV THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5,000.
  - (b) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$500.
  - (c) Holders of tickets with three matching play symbols of \$100\$ (ONE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.
  - (d) Holders of tickets with three matching play symbols of \$25\$ (TWEN-FIV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25.
  - (e) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIVE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5.
  - (f) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.
  - (g) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.
  - (h) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play Area" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(i) A prize will be paid only for the highest Pennsylvania Barrel O'Bucks instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

pendix A is the Federal benefit rate plus the State supplement payable under Title XVI. Appendix B is 300% of the Federal benefit rate payable under Title XVI. Appendix D is the Federal benefit rate payable under Title XVI. Item 1 of Appendix D is 1/2 of the Federal benefit rate for one person. Item 2 of Appendix D is 1/2 of the Federal benefit rate for two persons.

Under 55 Pa. Code § 181.1(f), the Department of Public Welfare revised the income limits for the Categorically Needy Nonmoney Payment Medical Assistance Program for aged, blind and disabled persons effective January 1, 1996. Those limits are set forth in Appendices A, B and D, which are recommended for codification in 55 Pa. Code Chapter 181.

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*

### Appendix A

Categorically needy nonmoney payment monthly income limits for the aged, blind and disabled categories effective January 1, 1996

1 Person	\$497.40
2 Persons	\$748.70

### Appendix B

Categorically needy nonmoney payment monthly income limits for the aged, blind and disabled categories receiving skilled care, heavy care/intermediate services or intermediate care effective January 1, 1996

1 Person	\$1,410
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### Appendix D

Monthly Federal benefit rate effective January 1, 1996

1 Person	\$470
2 Persons	\$705

Percentages of monthly Federal benefit rate effective January 1, 1996

Item 1) 50% of Federal Benefit Rate for 1 person	=	\$235
Item 2) 50% of Federal Benefit Rate for 2 persons	=	\$352.50

**Fiscal Note:** 14-NOT-114. (1) General Fund; (2) Implementing year 1995-96 is \$(See Below); (3) 1st succeeding year 1996-97 is \$; 2nd succeeding year 1997-98 is \$; 3rd succeeding year 1998-99 is \$; 4th succeeding year 1999-00 is \$; 5th succeeding year 2000-01 is \$; (4) FY 1994-95 is \$2,469,024,000; FY 1993-94 is \$2,252,318,000; FY 1992-93 is \$1,883,392,000; (7) Medical Assistance; (8) recommends adoption. The increased costs cannot be calculated separately. The increase is annually mandated by Federal regulations and has been included in the 1995-96 General Appropriations Act and the Governor's 1996-97 Executive Budget.

[Pa.B. Doc. No. 96-595. Filed for public inspection April 12, 1996, 9:00 a.m.]

7. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Barrel O'Bucks until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 7,497,600 Tickets</i>
One Free Ticket Plus Entry	1:8	937,200
\$1	1:8	937,200
\$2	1:20	374,880
\$5	1:80	93,720
\$25	1:200	37,488
\$100	1:74,976	100
\$500	1:374,880	20
\$5,000	1:937,200	8

### 8. Retailer Incentive Awards:

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Barrel O'Bucks instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Barrel O'Bucks instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Barrel O'Bucks, prize money on winning Pennsylvania Barrel O'Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Barrel O'Bucks, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Barrel O'Bucks or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-596. Filed for public inspection April 12, 1996, 9:00 a.m.]

### Pennsylvania Hook & Ladder Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Hook & Ladder.

2. *Price:* The price of a Pennsylvania Hook & Ladder instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Hook & Ladder instant lottery game ticket will contain one play area.

The play symbols and their captions located in the play area are: \$1<sup>00</sup> (ONE), \$2<sup>00</sup> (TWO), \$4<sup>00</sup> (FOUR), \$25 (TWY-FIV), \$50 (FIFTY), \$1000 (ONE THO), \$10000 (TEN THO) and a Hydrant Symbol (HYDRANT).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$25, \$50, \$100, \$1,000 and \$10,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,224,000 tickets will be printed for the Pennsylvania Hook & Ladder instant lottery game.

#### 6. Determination of Prize Winners:

(a) Holders of tickets with three matching play symbols of \$1000 (TEN THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with three matching play symbols of \$1000 (ONE THO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with two matching play symbols of \$50 (FIFTY), and a Hydrant play symbol (HYDRANT) in the "Play Area" on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching play symbols of \$50 (FIFTY) in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with two matching play symbols of \$25 (TWY-FIV), and a Hydrant play symbol (HYDRANT) in the "Play Area" on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets with three matching play symbols of \$25 (TWY-FIV) in the "Play Area" on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets with two matching play symbols of \$4<sup>00</sup> (FOUR), and a Hydrant play symbol (HYDRANT) in the "Play Area" on a single ticket, shall be entitled to a prize of \$8.

(h) Holders of tickets with three matching play symbols of \$4<sup>00</sup> (FOUR) in the "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with two matching play symbols of \$2<sup>00</sup> (TWO), and a Hydrant play symbol (HYDRANT) in the "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with two matching play symbols of \$1<sup>00</sup> (ONE), and a Hydrant play symbol (HYDRANT) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(m) A prize will be paid only for the highest Pennsylvania Hook & Ladder instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Get	Win	Approximate Odds	Approximate No. of Winners Per 10,224,000 Tickets
3-\$1	\$1	1:5	2,044,800
2-\$1+HYDRANT	\$2	1:25	408,960
3-\$2	\$2	1:100	102,240
2-\$2+HYDRANT	\$4	1:100	102,240
3-\$4	\$4	1:180	56,800
2-\$4+HYDRANT	\$8	1:300	34,080
3-\$25	\$25	1:200	51,120
2-\$25+HYDRANT	\$50	1:6,998	1,461
3-\$50	\$50	1:14,005	730
2-\$50+HYDRANT	\$100	1:28,011	365
3-\$1,000	\$1,000	1:95,551	107
3-\$10,000	\$10,000	1:511,200	20

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Hook & Ladder instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Hook & Ladder, prize money on winning Pennsylvania Hook & Ladder instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Hook & Ladder instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Hook & Ladder or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-597. Filed for public inspection April 12, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

Lancaster County  
Reference No. 08430AG1986

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately 22 inspectors, under the Department's Inspector-in-Charge, for construction in-

spection and documentation services on S. R. 0030, section 009, reconstruction of U. S. 30 with over 20 structures, Lancaster County; S. R. 0030, section 024, intersection, ramps and signal improvements adjacent to Route 30 project, Lancaster County.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Number of available inspectors in each payroll classification.
- b. Number of NICET certified inspectors in each payroll classification.
- c. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving and drainage.
- d. Understanding of Department's requirements, policies and specifications.
- e. Ability to provide CPM scheduling.
- f. Past performance.
- g. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

Classification	No. of Inspectors
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	4 (4)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	17 (13)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1996 will be limited to the actual direct salary of the individual employe, or the following rates, whichever is less:

<i>Payroll Classification</i>		<i>Direct Payroll Rate</i>
Transportation Construction Inspector Supervisor	(TCIS)	\$17.34
Transportation Construction Inspector	(TCI)	\$15.18
Technical Assistant	(TA)	\$10.43

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCIS positions, giving their approval to use their name in the letter of interest for this specific project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Technical questions concerning the requirements for this project should be directed to Jack L. Miller, P.E., District 8-0, at (717) 787-1375.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Clinton County  
Reference No. 08430AG1987**

The Department of Transportation will retain an engineering firm for the final design for S. R. 0080, Section B21, ramp modifications and the replacement of two three span prestressed concrete box beam bridges carrying S. R. 0080 North Bound and South Bound over S. R. 0064, and for S. R. 0064, section N01, the widening of S. R. 0064 to provide a left turn lane for approximately 1,800 feet on each side of Interstate 80, Porter Township, Clinton County. The estimated construction cost for S. R. 0080, section B21 is \$3.4 million. The estimated construction cost for S. R. 0064, section N01 is \$650,000.

The required services will include survey; preliminary Design/Step 9; soil survey report and profile; final roadway design; erosion and sedimentation control plans; traffic control plans; right-of-way investigations and plans; utility coordination; roadway and structure borings; final structure plans; and construction plans, specifications and estimate.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Technical questions concerning the requirements for this project should be directed to Vasco Ordonez, P.E., District 2-0, at (814) 765-0439.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Cameron, Centre, Clearfield, Clinton, Elk, Juniata,  
McKean, Mifflin and Potter Counties  
Reference No. 08430AG1988**

The Department of Transportation will retain two engineering firms for two open-end contracts for various engineering services and environmental studies on various projects located in Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties in Engineering District 2-0. Each contract will be for a 30 month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), ECONS studies, ECONS final design, Capital Improvement Projects (bridges or roadways), and minor location studies. The maximum amount of each open-end contract will be \$750,000.

The Department will establish an order of ranking of a minimum of five firms for the purpose of negotiating two open-end contracts based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitted letters of interest:

- Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on open-end contracts. The specific experience of individuals who constitute the firms shall be considered.
- Current workload.
- Specialized experience and technical competence of firm.
- Available staffing for this assignment.
- Relative size of firm to size of projects that may be completed under this contract.
- Location of consultant in respect to the district.

The firms may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and

safety review meeting; field surveys; plot topography and cross sections; prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare type, size and location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings; provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contact with railroad officials for any railroad-related costs estimates, permits, insurance, approvals and other required information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; and prepare construction plans, specifications and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The firms may be required to perform any or all of the following environmental studies: air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socio-economic; cultural; section 4(f) and section 106 documents; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firms may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports; NEPA environmental documents; section 106 documents; section 4(f) evaluations; mitigation plans and reports; and wetland and floodplain findings.

The engineering services and environmental studies identified above are the general work activities that can be expected under these open-end contracts. A more specific and project-related scope of work will be outlined for each individual work order developed under these open-end contracts.

Technical questions concerning the requirements for this project should be directed to Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

### General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."
2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard

Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-598. Filed for public inspection April 12, 1996, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Changes to Fishing Regulations; Trout and Salmon Regulations—Lake Erie and Presque Isle Bay

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.25, is taking immediate action to adjust the seasons and daily limits for trout and salmon taken from Lake Erie and Presque Isle Bay. Effective at 8 a.m. on April 13, 1996, the following seasons, size and creel limits apply to trout and salmon taken from Lake Erie and Presque Isle Bay:

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
Trout and Salmon	8 a.m., Apr. 13, 1996, to midnight Sept. 2, 1996	9 inches	eight (combined species), only two of which can be lake trout. Of the entire catch (combined species) only five may exceed 15 inches in length.

The Executive Director finds that such action is necessary and appropriate for the protection and management of trout and salmon in these waters and to conserve and preserve fishing opportunities. The Fish and Boat Commission approved changes to trout and salmon limits on Lake Erie and Presque Isle Bay as proposed and final

rulemaking. As proposed, the amendment to 58 Pa. Code § 69.12 provided that the daily limit for trout and salmon would be eight (combined species) only two of which can be lake trout and of the entire catch (combined species) only three could exceed 15 inches in length. The same seasons, size and daily limits were proposed for Lake Erie



tributaries (58 Pa. Code § 69.14). The Commission received no public comments concerning this proposed change to 58 Pa. Code § 69.12 and adopted it as final rulemaking at its January 1996 meeting. The order adopting regulation is pending publication.

After the final rulemaking was approved, the Commission received inquiries and comments concerning the restriction that only three trout and salmon (combined species) per day could exceed 15 inches in length. It was pointed out that, on Lake Erie and Presque Isle Bay, this could be unduly restrictive since a relatively high proportion of the catch of trout and salmon would exceed 15 inches. On March 22, the Commission's Fisheries Committee met and recommended that this provision be changed to allow five trout or salmon (combined series) in excess of 15 inches in length to be taken from Lake Erie and Presque Isle Bay. The full Commission later approved this change in a notational vote and directed the Executive Director to proceed with publication of a notice of proposed rulemaking containing the change and to make a temporary change for the 1996 fishing season as set forth herein.

Accordingly, the Executive Director is implementing the seasons, size and creel limits for trout and salmon for Lake Erie and Presque Isle Bay as set forth in this notice as a temporary change to fishing regulations (58 Pa. Code § 65.25) in effect for the period 8 a.m., April 13, 1996, until midnight on September 2, 1996.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 96-599. Filed for public inspection April 12, 1996, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program; Unavailability of Funds

Under section 409-C of the Housing Finance Agency Law (35 P.S. §§ 1680.101 et seq.) (act), the Executive Director of the Housing Finance Agency (Agency) has determined that as of May 31, 1996, the Agency will have insufficient money available in the Homeowner's Emergency Mortgage Assistance Fund (Fund) to approve new applications for emergency mortgage assistance.

This determination is based upon the fact that the proposed General Fund Budget for Fiscal Year 1996-97 contains no appropriation for the Homeowner's Emergency Mortgage Assistance Program. Without an appropriation, the Agency projects that the money available in the Fund will be insufficient to pay out on new applications that are expected to be approved after May 31, 1996, and at the same time, to continue making disbursements on behalf of mortgagors previously approved.

The Agency will continue to accept applications for mortgage assistance after May 31, 1996, for homeowners who are issued a Notice of Intention to Foreclose, under section 403-C of the act, before July 15, 1996. However, all applications approved will be specifically conditioned upon the continued availability of funds. Such applications will be considered on a first-come first-served basis.

Effective July 15, 1996, mortgagees shall no longer be subject to the provisions of Article IV-C of the act, and mortgagees may, at any time after July 15, 1996, take legal action to enforce the mortgage without any further restriction or requirement of said article. Notwithstanding the above, however, mortgagees shall not take legal action against mortgagors who are approved for mortgage assistance while continuing mortgage assistance disbursements are being made on their behalf by the Agency or during the time that their mortgage assistance loan is being prepared for closing by the Agency.

If an appropriation for the Homeowner's Emergency Mortgage Assistance Program is contained in the General Fund Budget finally enacted or in some other appropriation bill enacted into law, a new Notice will be published in accordance with law announcing that fact and thereafter mortgagees and mortgages shall again be subject to the provisions of Article IV-C of the Act.

KARL SMITH,  
*Executive Director*

[Pa.B. Doc. No. 96-600. Filed for public inspection April 12, 1996, 9:00 a.m.]

## HUMAN RELATIONS COMMISSION

### Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P.L. 744, No. 222) hereby announces the publication of the Stipulations of Fact, Findings of Fact, Conclusions of Law, Final Decision and Order, made after a Public Hearing under section 9(e)—(g) of the Act, in the following case:

*Charese Burton v. Norman Rasp and Northwood Realty*, Doc. No. H5138 (Pennsylvania Human Relations Commission, March 26, 1996); Alleged race-based refusal to rent and inappropriate real estate transaction; Ruling for Complainant, 9-0 decision, 35 pages.

The final order in the above-listed case is subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 10 cents per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 96-601. Filed for public inspection April 12, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Blue Cross of Western Pennsylvania; Pennsylvania Blue Shield; Amendment to the Comprehensive Major Medical Contract (Form No. MAG-200) to Provide for Expanded Deductible and Coinsurance Options for the Comprehensive Major Medical Contract in Conjunction with Medical Savings Accounts; Filing No. 1-CMM/MSA-96-WP

By filing no. 1-CMM/MSA-96-WP, Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield propose to amend its Comprehensive Major Medical group benefits contract (Form MAG-200) by providing higher deductible and expanded coinsurance ranges that require employees to share the cost. The higher deductible will only be used in conjunction with medical savings accounts when Federal and State legislation passes. This filing consists of seven pages.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal working hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Insurance Department, Office of Rate and Policy Regulation, 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. 96-602. Filed for public inspection April 12, 1996, 9:00 a.m.]

### Calculation of Maximum Interest Rate Chargeable by Insurance Premium Finance Companies; Notice No. 1996-03

The Insurance Department has learned that confusion may exist as to the proper calculation of the maximum interest that may be charged by Insurance Premium Finance Companies in Pennsylvania.

The Insurance Premium Finance Company Act (40 P. S. § 3308(c)) establishes the maximum permissible interest for personal lines policies. That maximum interest is established by incorporating by reference the provisions of the Goods and Services Installment Sales Act (Installment Sales Act) (69 P. S. § 1101 *et seq.*)

Section 501(a) of the Installment Sales Act caps the maximum permissible interest rate at 18% simple interest per annum. 69 P. S. § 1501(a). Section 904 (a) of the Installment Sales Act caps the maximum permissible interest rate at 1 1/2% per month, and requires that the charge be calculated on the outstanding balance. 69 P. S. § 1904(a). Thus, it is necessary that the interest rate be calculated on the declining balance of the loan.

The following formula will identify the required monthly payment an insured would need to make in order to pay off the financed premium balance in a specified number of months at a certain rate of simple

interest. This formula explicitly takes account of the declining balance of outstanding principal.

$$\text{Formula: } MP = P \div ((1 - ((1 + (i \times 12)) \exp(-1 \times N))) \div (i \times 12))$$

where: MP: monthly payment, as determined by the formula;

P: premium balance financed by the insured;

i: annual rate of simple interest expressed as a decimal, for example, 18.0% would be entered as .18;

N: number of monthly payments.

This formula assumes that the first monthly payment is due 1 month after the premium is financed and subsequent payments are due at monthly intervals thereafter. This formula is available from the Department electronically as either an Excel or Lotus spreadsheet. The spreadsheet includes a second formula that will determine what is the equivalent simple interest rate resulting from a prescribed schedule of monthly payments.

Persons who have any questions or desire a copy of the spreadsheet, should contact: Willard A. Smith, Chief, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, Telephone (717) 787-5890, Fax: (717) 787-8557.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-603. Filed for public inspection April 12, 1996, 9:00 a.m.]

### Pennsylvania Blue Shield; DentalPlus and HealthPartners; Primary Dental Offices Provider Risk Sharing Provision; Filing No. 9604000

By filing no. 9604000, Pennsylvania Blue Shield proposes revisions to the risk sharing formulas with capitated dental networks utilized in the DentalPlus program and the HealthPartners program. The requested changes are for an effective date of January 1, 1996 for DentalPlus settlements for the January 1 through June 30, 1996 period; and April 1, 1996 for HealthPartners settlements for the April 1 to September 30, 1996 period. This filing is not a change to the capitation rate, only to the risk sharing arrangement.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal working hours at the Insurance Department's office in Harrisburg. This filing consists of five pages.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-604. Filed for public inspection April 12, 1996, 9:00 a.m.]

# LIQUOR CONTROL BOARD

## Expiration of Leases

The following Liquor Control Board leases will expire:

Lackawanna County, Wine & Spirits Shoppe #3521, R. D. 6, Box 6225, Moscow, PA 18444-9401.

*Lease Expiration Date:* May 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,600 to 2,800 net useable square feet of new or existing retail commercial space within Covington Township.

*Proposals due:* May 10, 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

Lehigh County, Wine & Spirits Shoppe #3905, 523 Front Street, Catasauqua, PA 18032-2410.

*Lease Expiration Date:* May 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within 2.0 miles of the intersection of Front and Bridge Streets, Catasauqua Borough.

*Proposals due:* May 10, 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

Schuylkill County, Wine & Spirits Shoppe #5413, 65 E. Pottsville Street, Pine Grove, PA 17963-1518.

*Lease Expiration Date:* May 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,000 net useable square feet of new or existing retail commercial space within Pine Grove Borough.

*Proposals due:* May 10, 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:

Lancaster County, Wine & Spirits Shoppe #3617, West Lampeter Township.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Willow Street Pike and Beaver Valley Pike (Route 222), West Lampeter Township.

*Proposals due:* May 10, 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

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 96-605. Filed for public inspection April 12, 1996, 9:00 a.m.]

# PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

## Maximum Loan Amounts and Participation and Interest Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the adoption of maximum PIDA loan amounts and PIDA participation and interest rates for loans approved by the PIDA Board of Directors. The maximum PIDA loan amounts and rates were adopted by the PIDA Board of Directors at its meeting held March 8, 1996, are effective as of that date, and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The PIDA loan ceiling has been reduced from \$2,000,000 to \$1,000,000. The rates are following this Notice under Annex A.

The PIDA Board retains the right to waive or modify the rates, to the extent that such are not mandated by law, on a case by case basis for good cause shown.

Further information can be obtained from The Pennsylvania Industrial Development Authority, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

THOMAS B. HAGEN,  
*Chairperson*

### Annex A

#### PIDA PARTICIPATION AND INTEREST RATES FOR COUNTIES AND MUNICIPALITIES\* OVER 25,000 POPULATION

<i>Counties and Municipalities</i>	<i>Maximum PIDA Participation</i>		<i>Interest Rate**</i>
	<i>(S)</i>	<i>% (L)</i>	
ADAMS	40***	40***	6.75
ALLEGHENY	40	40***	6.75
McKeesport City	40	40	3.75
Pittsburgh	40	40***	5.25
ARMSTRONG	40	40	3.75
BEAVER	40	40***	5.25
BEDFORD	40	40	3.75
BERKS	40***	40***	6.75
Reading City	40	40***	5.25
BLAIR	40	40***	5.25
BRADFORD	40	40***	5.25
BUCKS	40***	40***	6.75
Bristol Twp.	40	40***	5.25
BUTLER	40	40***	5.25

Counties and Municipalities	Maximum PIDA Participation		Interest Rate**
	(S)	% (L)	
CAMBRIA	40	40	3.75
Johnstown City	40	40	3.75
CAMERON	40	40***	5.25
CARBON	40	40	3.75
CENTRE	40***	30****	6.75
CHESTER	30****	30****	6.75
CLARION	40	40	3.75
CLEARFIELD	40	40	3.75
CLINTON	40	40	3.75
COLUMBIA	40	40***	5.25
CRAWFORD	40	40***	5.25
CUMBERLAND	30****	30****	6.75
DAUPHIN	40***	30****	6.75
Harrisburg	40	30****	5.25
DELAWARE	40***	30****	6.75
Chester City	40	40	3.75
ELK	40***	40***	6.75
ERIE	40	40***	5.25
Erie City	40	40	3.75
FAYETTE	40	40	3.75
FOREST	40	40	3.75
FRANKLIN	40***	40***	6.75
FULTON	40	40	3.75
GREENE	40	40	3.75
HUNTINGDON	40	40	3.75
INDIANA	40	40	3.75
JEFFERSON	40	40***	5.25
JUNIATA	40	40	3.75
LACKAWANNA	40	40***	5.25
LANCASTER	40***	30****	6.75
Lancaster City	40	30****	5.25
LAWRENCE	40	40	3.75
LEBANON	40***	40***	6.75
Lebanon City	40	40***	5.25
LEHIGH	40	40***	5.25
LUZERNE	40	40***	5.25
LYCOMING	40	40***	5.25
Williamsport	40	40	3.75
MCKEAN	40	40***	5.25
MERCER	40	40***	5.25
MIFFLIN	40	40***	5.25
MONROE	40	40***	5.25
MONTGOMERY	40***	30****	6.75
Norristown	40	40	3.75
MONTOUR	40***	40***	6.75
NORTHAMPTON	40	40***	5.25
NORTHUMBERLAND	40	40	3.75
PERRY	40***	40***	6.75
PHILADELPHIA	40	40***	5.25
PIKE	40	40***	5.25
POTTER	40	40***	5.25
SCHUYLKILL	40	40	3.75
SNYDER	40***	40***	6.75
SOMERSET	40	40	3.75
SULLIVAN	40	40***	5.25
SUSQUEHANNA	40	40***	5.25
TIOGA	40	40***	5.25
UNION	40***	40***	6.75
VENANGO	40	40	3.75
WARREN	40***	40***	6.75
WASHINGTON	40	40***	5.25
WAYNE	40	40	3.75
WESTMORELAND	40	40***	5.25
WYOMING	40	40***	5.25
YORK	40***	40***	6.75
York City	40	40***	5.25

\* Municipalities are listed *only* if PIDA rate differs from County rate.

\*\* Based on calendar year 1994 unemployment rate. Subject to change at discretion of PIDA Board.

(S) Small Business (less than 50 existing employes, including parent, subsidiaries and affiliates.)

(L) Large Business.

*Special Note:* Projects located in designated enterprise zones, planning stage enterprise zones, industrial communities receiving assistance under the Dept. of Commerce's Industrial Communities Site Program, and financially distressed municipalities under Act 47 will receive loans at 3.75%. Companies designated as advanced tech firms will receive an interest rate 1% less than the area rate with a floor of 3.75%.

\*\*\* 10% Equity required.

\*\*\*\* 20% Equity required.

**MID MON VALLEY (Fayette, Washington and Westmoreland Counties)**

PIDA Participation: 40%—Small Business  
40%—Large Business

Interest Rate: 3.75%

Allenport	Monessen
Belle Vernon	Monongahela
Bentleyville	New Eagle
Brownsville	Newell
Brownsville Twp.	North Belle Vernon
California	North Charleroi
Carroll Twp.	Roscoe
Charleroi	Rostraver Twp.
Coal Center	Smithton
Donora	Speers
Dunlevy	Stockdale
Elco	Twilight
Fallowfield Twp.	Union Twp.
Fayette City	Washington Twp.
Finleyville	West Brownsville
Forward Twp.*	West Newton
Jefferson Twp.	West Pike Run Twp.
Long Branch	

**LOWER MON VALLEY (Allegheny County)**

PIDA Participation: 40%—Small Business  
40%—Large Business

Interest Rate: 5.25%

Braddock	North Braddock
Braddock Hills	North Versailles Twp.
Chalfant	Pitcairn
Clairton	Pittsburgh
Dravosburg	Port Vue
Duquesne	Ranklin
East McKeesport	South Versailles Twp.
East Pittsburgh	Swissvale
Elizabeth	Trafford
Elizabeth Twp.	Turtle Creek
Forest Hills	Versailles
Forward Twp.*	Wall
Glassport	West Elizabeth
Homestead	West Homestead
Jefferson	West Mifflin
Liberty	Whitaker
Lincoln	White Oak
McKeesport	Wilkins Twp.
Monroeville	Wilmerding
Munhall	

**SHENANGO RIVER VALLEY (Lawrence and Mercer Counties)**

PIDA Participation: 40%—Small Business  
40%—Large Business  
Interest Rate: 5.25%

Clark	New Castle
Delaware Twp.	Pulaski Twp.
Farrell	Pymatuning Twp.
Greene Twp.	Sharon
Greenville	Sharpsville
Hempfield	Shenango Twp.
Hermitage	South Pymatuning Twp.
Jamestown	Union Twp.
Jefferson Twp.	West Middlesex
Mahoning Twp.	West Salem Twp.
Neshannock Twp.	Wheatland

**BEAVER VALLEY (Beaver County)**

PIDA Participation: Unchanged (40%/40%\*\*)  
Interest Rate: Unchanged (5.25%)

Aliquippa	Hookstown
Ambridge	Homewood
Baden	Hopewell Twp.
Beaver	Independence Twp.
Beaver Falls	Industry
Big Beaver	Koppel
Bridgewater	Marion Twp.
Brighton Twp.	Midland
Center Twp.	Monaca
Chippewa Twp.	New Brighton
Conway	New Galilee
Darlington	New Sewickley Twp.
Darlington Twp.	North Sewickley Twp.
Daugherty	Ohioville
East Rochester	Patterson Heights
East Vale	Patterson Twp.
Economy Twp.	Potter Twp.
Ellwood City	Pulaski Twp.
Fallston	Raccoon Twp.
Frankfort Springs	Rochester
Franklin Twp.	Rochester Twp.
Freedom	Shippingport
Georgetown	South Beaver Twp.
Glasgow	South Heights
Greene Twp.	Vanport Twp.
Hanover Twp.	West Mayfield
Harmony Twp.	White Twp.

**MOSHANNON VALLEY (Centre and Clearfield Counties)**

PIDA Participation: 40%—Small Business  
40%—Large Business  
Interest Rate: 3.75%

Beccaria Twp.	Irvona Bor.
Bradford Twp.	Morris Twp.
Coalport Bor.	Ramey Bor.
Glen Hope Bor.	Wallacetown Bor.
Houtzdale Bor.	Boggs Twp.
Knox Twp.	Chester Hill Bor.
Philipsburg Bor.	Decatur Twp.
South Philipsburg Bor.	Gulich Twp.
Bigler Twp.	Jordan Twp.
Brisbin Bor.	Osceola Mills Bor.
Cooper Twp.	Rush Twp.
Graham Twp.	Woodward Twp.

\* Forward Twp. is eligible for 3.75% interest and 40/40% participation.

\*\* 10% Equity required.

[Pa.B. Doc. No. 96-606. Filed for public inspection April 12, 1996, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Pennsylvania Power & Light Company for Certain Findings and Approvals Associated with a Power Purchase Agreement to Purchase up to 12.0 MW of Output from West Allegheny Biomass Energy Corporation's Qualifying Facility**

Pennsylvania Power & Light Company (PP&L), by its counsel, filed on February 13, 1996, with the Pennsylvania Public Utility Commission (Commission) a petition under 52 Pa. Code §§ 5.41 and 5.42 seeking approval of the rates, terms and conditions of a Power Purchase Agreement (PPA) entered into on August 21, 1995, between PP&L and West Allegheny Biomass Energy Corporation (WABEC), and the recovery of payments made by PP&L to WABEC through PP&L's Energy Cost Rate (ECR) or future equivalent. WABEC proposes to construct and operate a 12.0 megawatt qualifying facility project in Clinton Township, Lycoming County, fueled by wood waste. Under the Public Utility Regulatory Policies Act, the Federal Energy Regulatory Commission's regulations at 18 CFR §§ 292.201—602 and the Commission's regulations at 52 Pa. Code §§ 57.31—57.38, PP&L has agreed to purchase WABEC's output at PP&L's 10-year levelized energy-only avoided cost rates on file with the Commission as of the date of the execution of the PPA. The petition is docketed at P-00961014.

Anyone desiring to comment regarding this petition should file a petition to intervene and answer with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. In accordance with 52 Pa. Code § 5.712, et seq., all such pleadings are due within 20 days of the date of publication of this notice in the *Pennsylvania Bulletin*. Copies of the PP&L petition are on file with the Commission and are available for public inspection. The contact person is Blaine J. Loper, (717) 787-3810.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-607. Filed for public inspection April 12, 1996, 9:00 a.m.]

**Railroad With Hearing**

**A-0011272. Consolidated Rail Corporation** An application has been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The application requests the approval of the abolition of 16 grade-separated crossings, including two overhead crossings and 14 undergrade crossings on the former Morrisville Line between M. P. 45.3 and M. P. 55.7 in Chester County.

An initial hearing upon this proceeding will be held Tuesday, July 9, 1996, at 10 a.m., in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-608. Filed for public inspection April 12, 1996, 9:00 a.m.]

**Ratification and Adoption of Amendments to Parts 192 and 199 of Title 49 of the Code of Federal Regulations; Doc. No. M-00960802**

*Commissioners Present:* John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; David W. Rolka; Robert K. Bloom

Public meeting held  
March 28, 1996

**Order**

*By the Commission*

At 52 Pa. Code § 59.33(b) the Commission has adopted, except as otherwise indicated, the Federal safety standards for gas transmission and distribution facilities. The Federal standards are established by the United States Department of Transportation (DOT) at 49 U.S.C.A. §§ 60101, et seq., and are set forth in Parts 191, 192, 193 and 199 of Title 49 of the Code of Federal Regulations. Section 59.33(b) provides, in pertinent part, that amendments to Title 49 will become effective in Pennsylvania upon the date of entry of a Commission ratification order where that order is served upon all jurisdictional gas companies or, alternatively, upon the date of such order's publication in the *Pennsylvania Bulletin*.

On December 11, 1995, at 60 Fed. Reg. 63450, Amendment 192-74A was adopted and codified by DOT at 49 CFR § 192.16(a). This amendment added a definition of "Customer buried piping."

Copies of the aforementioned *Federal Register* publications are attached hereto and are hereby made part of this order.

Keeping in mind the safety of the public, we have reviewed the above referenced amendment in accordance with the provisions of 52 Pa. Code § 59.33. Based upon this review, we find the DOT amendment to be in the public interest and adopt it as our own. The effective date of our adoption of the aforementioned amendment shall be the date upon which this order is entered;

*Therefore:*

*It Is Ordered:*

1. That the following amendment adopted by the U. S. Department of Transportation is hereby ratified and adopted in accordance with the provisions of 52 Pa. Code § 59.33(b):

(a) On December 11, 1995, at 60 Fed. Reg. 63450, to 49 CFR § 192.16(a)

2. That the Secretary shall serve copies of this order with its attachments upon all jurisdictional gas utilities. Accordingly, the effective date shall be the entry date of this order. Concurrently, the Secretary shall cause this order without attachments to be published in the *Pennsylvania Bulletin*.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-609. Filed for public inspection April 12, 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 May 6, 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-00112929. Amserv Ltd., t/d/b/a Dusan Community Ambulance Service** (115 North Stockdale Street, P. O. Box 253, DuBois, Clearfield County, PA 15801), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, limited to the use of vehicles such as ambulance or wheelchair van, between points in the city of DuBois, Clearfield County, and within an airline distance of 30 statute miles of the limits of said city.

**A-00112934. Corporate and Formal Limousine Service, Inc.** (1636 William Flynn Highway, Glenshaw, Allegheny County, PA 15116), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Beaver, Butler and Washington, and from points in said counties, to points in Pennsylvania and return; and from the county of Allegheny, to other points in Pennsylvania and return. *Attorney:* David W. Tyree, 3371 Babcock Boulevard, Pittsburgh, PA 15237.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00112943. James A. Panichelli, t/d/b/a Red & White Taxi Co.** (490 Water Street, Indiana, Indiana County, PA 15701)—persons upon call or demand in the borough of Indiana and the township of White, Indiana County; which is to be a transfer of the right authorized Linda Tillery, t/d/b/a Red & White Taxi Company, under the certificate issued at A-00110675, subject to the same limitations and conditions.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00106442, Folder 2, Am-A. M.L.L. Tours, Inc., t/d/b/a "Mary's Little Lamb's" Tours** (R. D. 1, Box 34, Clarion, Clarion County, PA 16214), a corporation of the Commonwealth of Pennsylvania—inter alia—persons in group and party service, between points in the county of Clarion, and from points in said county, to points in Pennsylvania and return.

**A-00107913, F.2, Am-A. Mary K. Klein, t/d/b/a Klein Tours** (P. O. Box 246, Douglasville, Berks County, PA 19518) persons in limousine service between points in the county of Berks, and from points in the said county to points in Pennsylvania and return: *so as to permit* the transportation of persons in limousine service between points in the counties of Chester and Montgomery, and

from points in the said counties to points in Pennsylvania and return. *Attorney:* J. Bruce Walter, P. O. Box 1146, Harrisburg, PA 17108-1146.

**Applications of the following for the additional right to the certificate of public convenience approving the operating of motor vehicle as common carriers for transportation of persons by transfer of rights as described under each application.**

**A-00106351, Folder 2. Martian Security, Inc., t/d/b/a Manahan's Taxi Service** (94 Roland Avenue, Chambersburg, Franklin County, PA 17201-1442), a corporation of the Commonwealth of Pennsylvania—additional right—persons upon call or demand in the borough of Chambersburg, Franklin County, and with 15 statute miles of the limits of the said borough; which is to be a transfer of the right authorized Donald M. Manahan, under the certificate issued at A-00111762, subject to the same limitations and conditions. Application for temporary authority has been filed at A-00106351, F. 2 seeking the right stated above.

**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 29, 1996.

A-00112933 Paul J. Makowski, t/d/b/a/ K.W.S. Services  
20 Rockledge Drive, Mountaintop, PA 18707

A-00112935 Kim & Mike, Inc., t/d/b/a KM Transportation Company  
P. O. Box 119, Woodstown, NJ 08098

A-00112936 Bessemer Supply, Inc.  
P. O. Box 6, Bessemer, PA 16112

A-00112937 Randy S. Luft  
148 Limekiln Road, Bechtelsville, PA 19505

A-00112940 Paul Vern  
Box 39, R. R. 1, Sacramento, PA 17968

A-00112941 Walter A. Fazenbaker, t/d/b/a Faze II Transportation  
R. D. 2, Box 633, Uniontown, PA 15401

A-00112942 Summit Lumber Grading, Inc.  
R. D. 3, Box 240, Reynoldsville, PA 15851

A-00110049, F.2 Menlo Logistics, Inc.  
P. O. Box 6046, Portland, OR 97228

A-00112939 DM-Tech, Inc.  
4137 Stony Lane, Doylestown, PA 18901

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-610. Filed for public inspection April 12, 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, May 2, 1996, for the following projects:

#96-087-001—Overhaul of Caterpillar diesel generator set.

#96-087-002—Rail track repairs on an emergency as needed basis for PRPA facilities.

#96-087-003—Electrical repairs on an emergency as needed basis for PRPA facilities.

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 16, 1996. The cost of the Bid Documents is \$15 (includes 7% 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.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 96-611. Filed for public inspection April 12, 1996, 9:00 a.m.]

## Sale of Surplus Equipment

The Philadelphia Regional Port Authority (PRPA) will sell the following Surplus Equipment.

1. Cummins Continuous Duty Generator Set  
Engine, Generator and Radiator  
125 KW, 157 KVA  
Model Number: 500FOCA1FC  
Engine Number: 708438  
Engine Model Number: NT270GC  
Date of Manufacture: 1/70
2. Cummins Continuous Duty Generator Set  
Engine, Generator and Radiator  
125 KW, 157 KVA  
Model Number: 500FOC41FC  
Engine Number: 10633080  
Engine Model Number: NTC290  
Date of Manufacture: 3/77
3. Cummins Engine with Radiator  
Model Number: VTA1710PG800  
Engine Number: 702326-3  
SMB Number: 94691  
Date of Manufacture: 2/70

Sealed or faxed bid will be accepted for this equipment. Bid can be for one or all items; however, bids must list individual prices. No warranties are implied or given, items sold "as is."

The equipment may be examined by appointment only. Contact Donna Powell, Procurement Administrator at (215) 928-9100 ext. 247 to schedule an appointment.

Faxed or sealed bids must be received by 2 p.m., Thursday, May 2, 1996, at which time they will be opened publicly. Bids should be mailed or delivered to Philadel-

phia Regional Port Authority, 210 W. Washington Square, 8th Floor, Phila., PA 19106. Attn: Donna Powell, Reference: #96-088-001.

Faxed bids can be sent to Donna Powell at (215) 928-1488.

Items must be paid for not later than 10 days after notification of award. No cash payments or personal checks will be accepted. Bidder must make arrangements to pick up the vehicles. Bid prices are subject to 7% Pennsylvania sales tax (do not include tax in bid price).

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 96-612. Filed for public inspection April 12, 1996, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Independent Auditing and Related Services for the State Employees' Retirement System; Request for Proposal

The State Employees' Retirement Board, on behalf of the Commonwealth, is issuing a Request for Proposal (RFP) for independent auditing services and technical guidance related to financial and accounting issues for the State Employees' Retirement System (SERS). The primary duties of the auditor are to: (1) provide annual independent auditing services for the State Employees' Retirement Fund and the Deferred Compensation Program; (2) attest, on an as needed basis, to management's assertions of the internal control structure; and (3) provide, on an as needed basis, technical guidance on various financial and accounting issues that may arise.

All proposals must be submitted in seven copies to Francis J. Donlevy, Director, Office of Financial Management, SERS, 30 N. Third Street, P. O. Box 1147, Harrisburg, PA 17108-1147. The deadline to submit proposals is stated in the RFP package.

A preproposal conference will be held for the Request for Proposal (date provided in the RFP). Prospective bidders are invited to attend this meeting before developing proposals. It will be held at the SERS offices on the 5th floor at 30 N. Third Street, Harrisburg, PA at 9:30 a.m. Because of limited facilities, only two representatives per vendor will be permitted to attend this conference.

The purpose of the preproposal conference is to clarify any points which may not have been understood in the Request for Proposal. Please submit any pertinent questions in written form 2 days prior to the preproposal conference. All prospective bidders will be provided with

answers to the questions submitted, in writing, 1 week after the preproposal conference date.

Interested parties may write to Francis J. Donlevy, Director, Office of Financial Management at the above referenced address or fax a request to (717) 783-1708 to obtain a copy of this Request for Proposal. Late proposals will not be considered regardless of the reason.

JOHN BROSIUS,  
*Executive Director*

[Pa.B. Doc. No. 96-613. Filed for public inspection April 12, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is requesting a sealed bid for:

- 1) Scour Mitigation, Structure EB 314, MP 251.13, Dauphin County, PA  
Open Date: April 29, 1996, 11 a.m.
- 2) Landscape Installation at Bedford Interchange, Milepost 145.51, Bedford County, PA  
Open Date: May 1, 1996, 11 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. 96-614. Filed for public inspection April 12, 1996, 9:00 a.m.]

### Request for Bids

The Turnpike Commission is requesting sealed bids for: IBM, Escon Storage Controller, Refurbished & DASD Units; Open Date: April 30, 1996, 11 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. 96-615. Filed for public inspection April 12, 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

#### Legal Services & Consultation—26

- 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

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.  
 Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division 787-0000

#### 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**

**2457355** Cameras, lenses and supplies—2 each; total survey station with electronic angle measurement minimum reading of 1" and a minimum accuracy of 3"—4 each; on board for item No. 001—2 each; Quick charge battery charger for item No. 001.

**Department:** Environmental Protection  
**Location:** Wilkes-Barre, Luzerne County, PA 18701-3195  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2445355** Chemicals and chemical products—1 lot; carbon analyzer system.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-1467  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2583135** Chemicals and chemical products—440 gallons; Lithium bromide solution (55% min.) with chromate inhibitor.

**Department:** Military Affairs  
**Location:** Spring City, Chester County, PA 19475  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2450355** Communication and entertainment equipment and supplies—15 each; Perma Pure Zero Air Generator, Model ZA-750-12 (no substitute).

**Department:** Environmental Protection  
**Location:** Wilkes-Barre, Luzerne County, PA 18701-3195  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8119290** Construction, mining, excavating and highway maintenance equipment—12,402 pounds; fabricated structural steel w/appropriate accessories.

**Department:** Transportation  
**Location:** Bedford, Bedford County, PA 15522  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**7313530** Containers, household, commercial, packaging and packing—various amounts; bag, paper, craft.

**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

**7313410** Containers, household, commercial, packaging and packing—various rolls; film, shrink wrap, 3 mil. thick, 24" wide, single wound, low slip.

**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

**2496355** Data processing and computer equipment and supplies—1 each; storage dimensions 10gb Raid System w/appropriate accessories—1 each; 2gb Raid Module (no substitute).

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-8550  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2633205** Data processing and computer equipment and supplies—146 each; word processors, complete with 14" flat CRT display, 3.5" 1.44 mb floppy disk drive for MS-DOS file compatibility with PC's, spellcheck, PC-WP conversion software, spreadsheet software, pre-formatted business letters, icon main menu, two (2) year warranty, Brothers model No. 5850MDS or approved equal.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA 17102-1910  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8502980** Highway maintenance equipment—1,200 each; shovel, square point, long handle, 48" fiberglass.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2618115** Household and commercial furnishings and appliances—50 each; stainless steel security fixtures, lavatory toilet combination.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA 16654-1112  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2485355** Laboratory equipment and supplies—1 lot; microwave digestion system, to include start-up kit and consumables kit.

**Department:** Environmental Protection  
**Location:** Erie, Erie County, PA 16505  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2612155** Laboratory equipment and supplies—1 unit; cage and bottle washer of heavy duty capacity. Cabinet type hydro spray washer designed for thorough, efficient cleaning of cages, bottles, debris pans and miscellaneous items used in the care of laboratory animals.

**Department:** West Chester University  
**Location:** West Chester, Chester County, PA 19383  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2493355** Laboratory equipment and supplies—40 each; Sulfur dioxide analyzers (SO<sub>2</sub>)—no permeation oven option—25 each; carbon monoxide analyzers—20 each; ozone analyzers.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-8468  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**3997356** Laboratory equipment and supplies—various amounts; Summa canister system upgrade Entech—no substitutions w/appropriate accessories.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17102-1910  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2591155** Laboratory equipment and supplies—2 each; furnish and render operational, a Viralert 3300 monitoring system.

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2592155** Laboratory equipment and supplies—2 each; furnish and render operational. Atelemicine imaging dual system w/appropriate equipment.

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8231300** Motor vehicles, trailers and cycles—1 each; 1996 model truck, 14K, shop, dual, diesel (5460)—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

**8231120** Motor vehicles, trailers and cycles—1 each; 1996 model truck, patch machine w/air conditioning (5370)—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

**8231410** Motor vehicles, trailers and cycles—4 each; 1996 model mid-size station wagon—4 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

**8231400** Motor vehicles, trailers and cycles—54 each; 1996 model compact four door sedan—25 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

**2631075** Paper and printing—500 M; Certification of Death, 8 1/2" x 11" on 24 lb. paper, safety inks, raised seal, safety pre-numbering and high resolution printing.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA 17108-0090  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**7313500** Paper and printing and equipment and supplies—2,500 ctn.; paper, cash register, roll, printer, for IBM P.O.S. Model 4683 and 4684.

**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

**8231070** Tractors—various amounts; 1996 model tractor, trndm, lowboy with air conditioning.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

## SERVICES

### Computer Related Services—08

**RFP 96-2** Contracted services include establishment and administration of a rehabilitation-based entrepreneur assistance service covering Armstrong, Beaver, Butler, and Lawrence Counties. Through the service assistance will be available to entrepreneurs with disabilities, including technical guidance/support as well as low-interest financial assistance. Services will assure availability of adequate information for people to consider self-employment, technical support to pursue that choice, and financing sufficient to provide a fiscal base for an entrepreneurial venture.

**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

**282205** Maintenance service—RCA Electron Microscope—Model EMU 4B—Serial No. 4129. Periodic inspection of the equipment—4 per year emergency service to the equipment at the request of East Stroudsburg University. Replacement parts and tubes, except the electron gun. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** July 1, 1996—June 30, 1997  
**Contact:** William Roth, (717) 424-3203

**SP 281280** To provide equipment and software maintenance repair, parts and loaner equipment for word processing equipment, printers, OCR Reader listed below: 29—325 BB's; 1—CPT Phoenix Jr.; 16—Rotary XII printers; 6—RX7300 laser printers; 6—RX sheetfeeders (tray 2); 6—Multiplexers for laser; 12—Multiplexers for rotary; 1—DEST Optical Scanner (Model 202); 3—3278 cards; 1—ES6 MUX; 1—MB-416 MUX.

**Department:** Revenue  
**Location:** Bureau of Administrative Services, Room 12A, 12th Floor, Strawberry Square, Harrisburg, PA 17128-1200  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Donald R. McCallin, Director, (717) 787-8293

### Construction Maintenance—09

**080889** 1-0 Districtwide, Group 1-96-MSRS; Erie County, SR 19-A01; Centre County, SR 26-C04; Potter County, SR 4014-A01; Lycoming County, SR 2036 and SR 2014; Lackawanna County, Group 4-96-LP1; 4-0 Districtwide, GPM 1-96; Luzerne County, Group 4-96-SNAP; Susquehanna County, SR 171-572; 5-0 Districtwide, Group 5-96-PM1; Monroe County, SR 209-14S; Bucks County, SR 2071-A05; Chester County, SR 1-H03; Dauphin County (Peiffers Lane), T-392; Blair County, 11th Ave. Streetscape; Butler County, SR 3002-290 and SR 268-191; Butler County, SR 19-208, 291-and 292; Allegheny County, SR 19-A11; Washington County, SR 980-K00; Berks County, Group 5-96-POC1A.

**Department:** Transportation  
**Location:** Districts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12  
**Duration:** FY 1995/1996  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**HUN-298** Various areas on institution ground need resurfaced by filling in with 1-1/2" wearing surface. Trench line repairs—contractor to add 4" BCBC base. On-site visitation is a requirement of this bid proposal. Bid specifications are on file at using agency.

**Department:** Corrections  
**Location:** State Correctional Institution Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112  
**Duration:** 05/01/96 to 06/30/96  
**Contact:** Gloria Morder, (814) 643-2400

**SPC 293325** Bituminous paving, 2" ID-2 wearing surface, 6 ft. wide x 1000 ft. long. Bidders must visit the site prior to submitting bid to view site conditions. Bid opening date: April 26, 1996, 2:00 p.m., Little Buffalo State Park, R. R. 2, Box 256, Newport, PA 17074-9428.

**Department:** Conservation and Natural Resources  
**Location:** State Parks, Little Buffalo State Park, R. R. 2, Box 256, Newport, PA 17074-9428  
**Duration:** completion time—90 days after notice to proceed  
**Contact:** Michael Brennan, (717) 567-9255

**Project No. 409-EN** Lock Haven University of the State System of Higher Education (SSHE) invites contractors to request bid documents for the project of "Paving Maintenance", Project No. 409-EN. Work includes: repair and replacement of existing asphaltic concrete paving and the installation of new paving throughout campus. This is a one-year contract, renewable for two (2) years thereafter. There is a pre-bid meeting on May 1, 1996 (10:30 a.m.). Bid proposals are due and will be opened publicly on May 21, 1996 (2:00 p.m.). For further information or to request contract documents at a non-refundable cost of \$15.00, bidders can contact Todd Webber—Contract Specialist, at the Maintenance Department Room No. 12, Lock Haven University, Lock Haven, PA 17745, phone (717) 893-2019. The System encourages responses from small firms, women owned firms and firms which may have not previously performed work for the System, and will consider joint-ventures which will enable these firms to participate in System contracts.

**Department:** State System of Higher Education  
**Location:** Lock Haven University, Lock Haven, PA  
**Duration:** One year, renewable two (2) years thereafter  
**Contact:** Todd Webber, Maintenance Department, (717) 893-2019

**AE-4088** Construction of a 44' x 77' 3-bay concrete building foundation. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** Stockpile No. 9, Belleville, Mifflin County, PA  
**Duration:** 90 Calendar days, proposed bid April 1996  
**Contact:** Tina Chubb, (717) 787-7001

**AE-2104** Construction of a 44' x 77' 3-bay concrete building foundation. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** Stockpile No. 1, Bellefonte, Centre County, PA  
**Duration:** 90 Calendar days, proposed bid April 1996  
**Contact:** Tina Chubb, (717) 787-7001

**AE-2976** Construction of a 44' x 77' 3-bay concrete building foundation. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** Stockpile No. 1, St. Marys, Elk County, PA  
**Duration:** 90 Calendar days, proposed bid April 1996  
**Contact:** Tina Chubb, (717) 787-7001

**Project No. DGS A 200-44** Project title: Repave Roadways. Brief description: repair and overlay approximately 20,000 square yards of existing bituminous paved roadways. 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, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 1, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** Middlecreek Wildlife Management Area, Lancaster, Lebanon Counties, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Bidding Unit, (717) 787-6556

## Demolition—11

**PFBC-PF-FBFD-1** Services provided by contractor(s) will focus on six (6) stages involved with the breaching, demolition and disposal of Rock Hill Dam, Manor/Conestoga Townships, Lancaster County, Pennsylvania, for the purpose of restoring migratory fish habitat in the Conestoga River. Stages include: 1) Site preparation; 2) Provisions of access; 3) Breaching dam and de-watering impoundment; 4) Demolition and removal; 5) Stream bank stabilization and enhancement of parking area; and 6) Site consolidation. Engineering design and support activities, including acquisition of all State and Federal permits, and written notification to all parties, have been completed.

**Department:** Fish and Boat Commission  
**Location:** PFBC-450 Robinson Lane, Bellefonte, PA 16823-9620  
**Duration:** July 1, 1996 to December 30, 1996  
**Contact:** Fishing/Boating/Facilities Design Section, (814) 359-5157

## Elevator Maintenance—13

**304-07352** Contractor to provide all materials, labor supervision, tools and equipment necessary to provide for repairs, adjustments, emergency services, preventative maintenance and inspections of Dover Micro Processor Controlled Passenger Elevator, 1 through 8, Haughton Freight One (1) Slingheugh Co., Chair Lifts No. 2 MEN-E-USES (Power Drive Two (2) in the Labor and Industry Building, Dover Freight F-1 through F-6, and Dover Passenger P-1 through P-7, Two (2) Montgomery Escalators in the East Wing Building, and elevators No. 1, No. 2, No. 7, and No. 8 in the Main Capitol Building, six (6) Dover Micro processor Passenger Elevators and one (1) Dover Freight Elevator in the Rachel Carson State Office Building, Harrisburg, PA 17125. Also include Health and Welfare Building, (5) Dover Passenger and (1) Dover Freight.

**Department:** General Services  
**Location:** Buildings and Grounds, Capitol Complex, Harrisburg, PA 17125  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** Fritz Smith, (717) 787-2155

## Engineering Services and Consultation—14

**08430AG1986** Construction inspection and documentation services for S. R. 0030, Section 009, and S. R. 0030, Section 024, in Lancaster County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG1988** Two (2) Open-End Contracts for design and environmental services in Engineering District 2-0, that is, Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Thirty (30) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG1987** Final design services for S. R. 0080, Section B21, ramp modifications and structures over S. R. 0064 replacement, and for S. R. 0064, Section N01, widening of S. R. 0064 to provide a left turn lane for approximately 1800 feet on each side of Interstate 80.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**1996-PF-01** Design Engineering Services for dam stability and spillway capacity analysis Cannonsburg Lake, Washington County, Pennsylvania (FC73L) and Dutch Fork Lake, Washington County, Pennsylvania (FC47L).

**Department:** Fish and Boat Commission  
**Location:** PFBC-450 Robinson Lane, Bellefonte, PA 16823  
**Duration:** May 30, 1996 to October 30, 1996  
**Contact:** Fishing and Boating Facilities Design Section, (814) 359-5157

**RFI 601** Open-Ended Professional Services. Work included under this proposed contract consists of professional services under any or all of the architectural and engineering disciplines for facilities maintenance, repair, and minor construction projects, ranging from a thousand to over a hundred thousand dollars in construction cost through any or all of the phases of the project: planning, design, construction and building commissioning. The University will consider any and all applications regardless of the size or location of the firm, firms with full service capability or firms who specialize in a specific discipline or area of expertise, such as testing services, industrial hygiene, environmental remediation, indoor air quality, telecommunications, coal-fired steam plants, electrical distribution systems, heating, ventilation, and air-conditioning systems, etc. The University reserves the right to select more than one firm to render services from this RFI and to contract for like or similar services exclusive from this RFI. All applications submitted are subject to review by a System Slate and/or Selection Board. The System Boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. All recommendations for selection made by the Board shall be final pursuant to the Act of November, 1982, (P. L. 660, No. 188). The State System of Higher Education encourages responses from small firms, minority firms, women-owned firms, and firms which have not previously performed work for the System and will consider joint ventures which will enable these firms to participate in System professional service contracts. To be considered, firms must submit a letter of interest to the Contract Administrator enclosing the completed forms GSPSPCO-150 (Rev. 4/94) and GSPSPCO-150-S (Rev. 4/94) current within one year of the response date to the RFI. To request RFI, contact Edna Fenton, FAX (717) 530-4004 or telephone (717) 532-1121. Deadline for RFI response: 4/29/96, 4:30 p.m.; responses open 4/30/96, 2:00 p.m.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, Cumberland County, PA 17257-2299  
**Duration:** One year w/option to renew for two additional one year periods  
**Contact:** Edna G. Fenton, (717) 532-1121

**Environmental Maintenance Services—15**

**BOGM 96-1** Cleaning out and plugging one Abandoned Gas Well estimated to be 1150 ft. deep on the Hess property and restoring the disturbed area.

**Department:** Environmental Protection  
**Location:** Clarion Borough, Clarion County, PA  
**Duration:** 30 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**Extermination Services—16**

**PC01** Contractor shall provide pest control/extermination services as required to the State Correctional Institution at Houtzdale.

**Department:** Corrections  
**Location:** State Correctional Institution at Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000  
**Duration:** 07/01/96—06/30/99  
**Contact:** Diane K. Davis, Purchasing Agent II, (814) 378-1000

**2466** Pest control services—contractor to provide pest control, sanitation monitoring and fly vector control systems service. Complete specifications and instructions may be obtained by contacting the Hospital. Award to be made on an aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** 07/01/96—06/30/99  
**Contact:** BD Muntz, (814) 726-4496

**Food—19**

**135** Provide and deliver fresh bread, rolls, and related products to Youth Development Center for the period: July 1, 1996 to December 31, 1996. Deliveries will be coordinated monthly with the Dietary Department.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** July 1, 1996 to December 31, 1996  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**No. 049** Bread and rolls (fresh)—white bread, rye bread, cracked wheat bread, raisin bread, low sodium bread, hamburger rolls, frankfurter rolls, dinner rolls and English muffins. Delivery schedule, dates, quantities and complete specifications can be obtained from the Hospital. Award will be made on a lump sum basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**No. 050** Ice cream and sherbet—ice cream cups (4 oz.), ice cream (gallon containers), sherbet (4 oz. cups) and sherbet (gallon containers). Delivery schedule, dates, quantities and complete specifications can be obtained from the Hospital. Award will be made on a lump sum basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**No. 051** Dairy products and drinks—for a 6 month period beginning July 1, 1996 through December 31, 1996. Delivery schedule, dates, quantities and complete specifications can be obtained from the Hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July, August, September, October, November, December, 1996  
**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**No. 052** Poultry—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule, dates, quantities and complete specifications can be obtained from the Hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July, August, September, 1996  
**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**No. 053** Miscellaneous frozen foods—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule, dates, quantities and complete specifications can be obtained from the Hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July, August, September, 1996  
**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**No. 054** Miscellaneous meats—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule, dates, quantities and complete specifications can be obtained from the Hospital. Award will be made on an item for item basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July, August, September, 1996  
**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**No. 055** Frozen foods—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule, dates, quantities and complete specifications can be obtained from the Hospital. Award will be made on a lump sum basis.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** July, August, September 30, 1996  
**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**539027-020** Food service operations: contractor will be responsible for providing complete food service operations at a State-owned and State-operated two-year post-secondary vocational-technical school. Contractor shall provide breakfast, lunch, and dinner to approximately 400 students.

**Department:** Education  
**Location:** Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Betty Tompos, Business Manager, (717) 299-7749

**1161** Frozen fruits and vegetables. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6034

**1162** Frozen juice. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6034

**1163** Meat. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6034

**1164** Miscellaneous frozen foods. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6034

**1165** Poultry. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6034

- 1169** Frozen coffee. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** 7/1/96—6/30/97  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6034
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- 5501** Fresh bakery. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
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- 5502** Frozen fruits and vegetables. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
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- 5503** Frozen juice. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
- 
- 5504** Meat. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
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- 5505** Miscellaneous frozen foods. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
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- 5506** Poultry and poultry products. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
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- 5507** Salads and puddings. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
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- 5508** Seafood. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—9/30/96  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
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- 5510** Frozen coffee. Quantities, specifications and delivery dates may be obtained from: Hamburg Center, Purchasing Office, Hamburg, PA 19526.  
**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96—6/30/97  
**Contact:** N. K. Reppert, Purchasing Agent, (610) 562-6031
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- 3725** Meat contract for July, August, September 1996. Send for bid package.  
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July, August, September 1996  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291
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- 3726** Poultry contract for July, August, September 1996. Send for bid package.  
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July, August, September 1996  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291
- 
- 3730** Dairy contract for July, August, September 1996. Send for bid package.  
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July, August, September 1996  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291
- 
- 3732** Bread and rolls contract for July, August, September 1996. Send for bid package.  
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July, August, September 1996  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291
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- 3734** Juice drinks, frozen, 4 oz. portions contract for July, August, September 1996. Send for bid package.  
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July, August, September 1996  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291
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- 3735** Juice drink, fresh, diet 1/2 gallon container for July, August, September 1996. Send for bid package.  
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July, August, September 1996  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291
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- 3736** Miscellaneous frozen foods contract for July, August, September 1996. Send for bid package.  
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July, August, September 1996  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291
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- Inquiry No. 84** Provide frozen fruits and vegetables in the quantities specified on bid proposal. Copies of the bid proposal can be obtained by contacting the hospital's purchasing office.  
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July through September 1996  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3426
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- Inquiry No. 85** Provide assorted frozen juices in the quantities specified on bid proposal. Copies of the bid proposal can be obtained by contacting the hospital's purchasing office.  
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July through September 1996  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3426
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- Inquiry No. 86** Provide assorted meat and meat products in the quantities specified on bid proposal. Copies of the bid proposal can be obtained by contacting the hospital's purchasing office.  
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July through September 1996  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3426
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- Inquiry No. 87** Provide poultry and poultry products in the quantities specified on bid proposal. Copies of the bid proposal can be obtained by contacting the hospital's purchasing office.  
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July through September 1996  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3426
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- Inquiry No. 88** Provide frozen pies, cakes and miscellaneous baked items in the quantities specified on bid proposal. Copies of the bid proposal can be obtained by contacting the hospital's purchasing office.  
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July through September 1996  
**Contact:** T. F. Snyder, Purchasing Agent, (610) 740-3426
- 
- 1154** Bread and related products: Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.  
**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337
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- 1156** Bakery supplies: Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on an annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.  
**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337
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- 1157** Cheese products: Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.  
**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1158 Dairy and related products:** Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one or two days each week, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person. Separate solicitations shall be made for commodities as controlled and uncontrolled by the Pennsylvania Milk Marketing Board.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1159 Fish and seafood:** Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1160 Fresh fruits and vegetables:** Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a monthly (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1161 Margarine:** Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the product(s) specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1162 Meat and meat products:** Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1163 Miscellaneous frozen foods:** Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1164 Poultry and poultry products:** Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**1165 Shell eggs:** Contracts shall cover the months of July 1996 through June 1997 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the product(s) specified shall be made approximately one time every two weeks, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional contact person.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Charles W. Kovach, (412) 837-4397, ext. 337

**B-2120 Food service catering.** Contractor to provide food service catering for auction sales at the Commonwealth Garage, 2221 Forster Street. The contractor agrees to pay the Commonwealth of Pennsylvania a flat catering privilege fee. Approximately 12 auctions for the year.

**Department:** General Services  
**Location:** Bureau of Vehicle Management, 2221 Forster Street, Commonwealth Garage, Harrisburg, PA 17125  
**Duration:** 05-01-96 through 04-30-97  
**Contact:** Bureau of Vehicle Management, (717) 787-3162

**Inquiry No. 7293** Portion pack fruit juice, frozen—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on a total lump sum basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7294** Cheese—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7295** Dairy products and drinks—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**inquiry No. 7296** Bread and rolls—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7297** Fresh prepared salads—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August, and September, 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7298** Miscellaneous foods—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**inquiry No. 7299** Frozen foods—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7300** Seafood—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7301** Miscellaneous meats—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**Inquiry No. 7302** Poultry—for a 3 month period beginning July 1, 1996 through September 30, 1996. Delivery schedule may be obtained from the institution. Bids will be awarded on an item for item basis.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July, August and September 1996  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 275-7412

**5053** Meat and meat products—for delivery during the period July through September, 1996. Specifications, delivery dates and quantity/delivery available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Attn: Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July through September 1996  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5049** Poultry and poultry products—for delivery during the period July through September, 1996. Specifications, delivery dates and quantities/delivery available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Attn: Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July through September 1996  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**5052** Miscellaneous frozen foods—for delivery during the period July through September, 1996. Specifications, delivery dates and quantities/delivery available upon request.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, Attn: Dietary Storeroom, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July through September 1996  
**Contact:** Linda J. Zoskey, Purchasing Agent, (412) 459-4547

**88** To cover period from July 1, 1996 to September 30, 1996. Estimated need: bagels, biscuits, croissants, Danish sweet rolls, muffins, French toast sticks, waffles, brownies, cakes and pies, Salisbury steak with gravy, cheese stuffed pasta, lasagna with meat sauce, meatballs, pierogies, pizza, stromboli, pork sausage, sandwich steaks, liquid scrambled eggs, vegetarian burgers, vegetarian sausage, stuffed peppers, veal parmigiana, hoagie patties, milkshakes, juice portions, assorted potato chips and snacks, assorted candy bars.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101

**Duration:** July 1, 1996—September 30, 1996  
**Contact:** Kathy Zeigler, (412) 656-7308

**168** To cover period from July 1, 1996—September 30, 1996. Estimated need: enriched white bread, Texas toast, wheat bread, cinnamon/raisin bread, Italian bread, hamburger rolls, frankfurter rolls, soft dinner rolls, hoagy rolls, hard rolls, Pita pocket bread, honey buns, doughnuts, muffins, cinnamon rolls, assorted specialty pastries, assorted fruit pies, assorted cream pies, assorted cakes, assorted pastry pockets.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101

**Duration:** July 1, 1996—September 30, 1996  
**Contact:** Kathy Zeigler, (412) 656-7308

**277** To cover period from July 1, 1996—September 30, 1996. Estimated need: beef for kabobs, ground beef, top inside round, beef short ribs, New York strip steak, ground beef patties, spareribs, pork chops, sliced bacon, beef steak burger, frankfurters, pre-cooked sausage, hot sausage, chopped ham, kielbasa, bologna, salami, gyro meat, canned ham, sliced pepperoni.

**Department:** Public Welfare  
**Location:** Youth Development Center, P. O. Box 7029, New Castle, Lawrence County, PA 16107-7029

**Duration:** July 1, 1996—September 30, 1996  
**Contact:** Kathy Zeigler, (412) 656-7308

**3740** Yogurt contract for July, August, September, 1996. Send for bid package.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505

**Duration:** July, August, September, 1996  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**6500-039** Canned fruits and vegetables, assorted varieties—No. 10 cans, specifications on file at purchasing office.

**Department:** Corrections  
**Location:** State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621

**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Barbara Swiatek, Purchasing Agent, (717) 735-8754

## Fuel Related Services—20

**Project No. 726** Remove one (1) 1000 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 369 North George Street, York, York County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 725** Remove one (1) 1000 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, Route 209 East, Williamstown, Dauphin County, PA  
**Duration:** 1 July 96—30 September 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 724** Remove one (1) 2500 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, Park Avenue, Sellersville, Bucks County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 723** Remove one (1) 500 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 580 Route 15 South, P. O. Box 291, Lewisburg, Union County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 722** Remove one (1) 3000 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1000 East Cumberland Street, Lebanon, Lebanon County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 721** Remove one (1) 1000 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 208 Chestnut Street, Kane, McKean County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 720** Remove one (1) 1000 gallon underground storage tank and associated piping from the Organizational Maintenance Shop. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 719** Remove one (1) 2000 gallon underground storage tank and associated piping from the Organizational Maintenance Shop. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** OMS, P. O. Box 510, Route 664, Lock Haven, Clinton County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 718** Remove two (2) 2000 and 1000 gallon underground storage tanks and associated piping from the Organizational Maintenance Shop. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** OMS, P. O. Box 589, 1101 Route 522N, Lewistown, Mifflin County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 717** Remove one (1) 1000 gallon underground storage tank and associated piping from the Organizational Maintenance Shop. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 826 Crane Avenue, Pittsburgh, Allegheny County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 716** Remove one (1) 1000 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 490 East Main Street, Nanticoke, Luzerne County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 715** Remove one (1) 1000 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 301 Prospect Avenue, Bethlehem, Northampton County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 714** Remove two (2) 5000 and 2000 gallon underground storage tanks and associated piping from the Organizational Maintenance Shop. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 2601 River Road, Reading, Berks County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 713** Remove one (1) 1000 gallon underground storage tank and associated piping from the Organizational Maintenance Shop. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 441 North Findley Street, Punxsutawney, Jefferson County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 712** Remove one (1) 1000 gallon underground storage tank and associated piping from the facility. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 358 West Main Street, Ligonier, Westmoreland County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 711** Remove one (1) 5000 gallon underground storage tank and associated piping from the Organizational Maintenance Shop. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 565 Walters Avenue, Johnstown, Cambria County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518



**Project No. 710** Remove one (1) 2500 gallon underground storage tank and associated piping from the Organizational Maintenance Shop. Project will include sampling and associated remedial work, if necessary, in accordance with State regulations.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 7th Avenue, Carbondale, Lackawanna County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**AE-3021** Removal of existing underground tank and fuel island. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** District Office Building, Clearfield, Clearfield County, PA  
**Duration:** 30 calendar days; proposed bid date April 1996  
**Contact:** Tina Chubb, (717) 787-7001

## Hazardous Material Services—21

**SP-288376** The contractor shall perform complete specialized microcontamination cleaning services in the computer room located at the Department of Public Welfare Computer Facility at the Willow Oak Building, Department of Public Welfare Complex No. 2, Harrisburg, PA. Provide for "clean room" cleaning of the computer center using clean room techniques, HEPA Filter Vacuum Systems, Airborne Filtration Units and cleaning disinfecting materials registered with EPA. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Bureau of Information Systems, Computer Room, Willow Oak Building, Harrisburg, PA 17105  
**Duration:** 05/01/96 to 06/30/96  
**Contact:** Kathy A. King-McCarthy, (717) 772-7119

## Heating, Ventilation, Air Conditioning—22

**IN-720.4** Communication wiring Armstrong County Branch. Work under this project consists of communication wiring, Armstrong County Branch, consisting of removing existing sections of walls, flooring, etc., to furnish and install new plywood, paint, telephone cable, outlets, etc. Notice to Contractors may be requested from IUP. Phone: (412) 357-2289, FAX: (412) 357-6480.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15707-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-4851

**LH-SER005** Contractor to maintain, adjust, calibrate, repair and/or replace components of Johnson Automatic Temperature Control System; includes repairs to or servicing of temperature control devices of domestic water systems or any other equipment not directly related to environmental temperature control systems nor maintenance work on ATC systems. The anticipated contract will be for three years.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**LH-SER002** Provide major and emergency repair service to all refrigeration units located at the State Correctional Institution at Laurel Highlands. Anticipated contract will be for a three year period.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**Furnace Services 081096-1** Heating system service.

**Department:** Transportation  
**Location:** 1185 Fairfield Road, Gettysburg, PA  
**Duration:** 12 months  
**Contact:** Charles F. Duncan, (717) 783-1392

**KU96-09** Kutztown University is seeking contractors interested in receiving documents to bid on the Refrigeration System Replacement at the South Dining Hall. Bid packages are available on 4/15/96 for a fee of \$35.00. Please send check and written request to: Entech Engineering, Inc., 4 South 4th Street, P. O. Box 32, Reading, PA 19603. There will be a pre-bid meeting on 4/25/96 at 10:00 a.m. in the Maintenance Building. Bids are due 5/7/96 at 2:00 p.m. and will be opened on 5/9/96 at 2:00 p.m. Bids received after the due date and time will be returned unopened.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 150 days from notice to proceed  
**Contact:** Gina Frankhouser, (610) 683-4663

## Janitorial Services—23

**23-6003029** Provide janitorial service after regular working hours for 5 office buildings located at Pleasant Gap, Centre County, PA; 2 buildings located at the Bellefonte Fish Culture Station, Bellefonte, Centre County, PA; and 1 building located at the Benner Spring Research Station, State College, Centre County, PA. Interested parties are required to visit all sites and inspect present conditions prior to submitting a bid.

**Department:** Fish and Boat Commission  
**Location:** Pleasant Gap, Bellefonte and State College, Centre County, PA  
**Duration:** July 1, 1996 through June 30, 1998  
**Contact:** Kathi Tibbott, Purchasing Agent, (814) 359-5131

**282204** Dust control service. Supply East Stroudsburg University with estimated 2500 each 20" mops, 3,000 each 36" mops, 500 each 60" mops and 3,000 18" x 32" dusters. Contact purchasing department for specifications. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** July 1, 1996—June 30, 1997  
**Contact:** William Roth, (717) 424-3203

**PUR/WB-96/1** Furnish all materials, equipment and labor to perform janitorial services and trash removal.

**Department:** Office of Attorney General  
**Location:** BNI and DC, 667 North River Street, Cross Valley Center, Wilkes-Barre, PA 18705  
**Duration:** July 1, 1996—June 30, 1999 Three (3) years  
**Contact:** M. Rebecca Harley, (717) 783-6275

**PUR/E-96/2** Furnish all materials, equipment and labor to perform janitorial services and trash removal.

**Department:** Office of Attorney General  
**Location:** BNI and DC, 1959 East 36th Street, Erie, PA 16510  
**Duration:** July 1, 1996—June 30, 1999 Three (3) years  
**Contact:** M. Rebecca Harley, (717) 783-6275

**PUR/SC-96/3** Furnish all materials, equipment and labor to perform janitorial services and trash removal.

**Department:** Office of Attorney General  
**Location:** BNI and DC, 2515 Greentech Drive, State College, PA 16804  
**Duration:** July 1, 1996—June 30, 1999 Three (3) years  
**Contact:** M. Rebecca Harley, (717) 783-6275

**PUR/BU-96/4** Furnish all materials, equipment and labor to perform janitorial services and trash removal.

**Department:** Office of Attorney General  
**Location:** BNI and DC, 603 New Castle Road, Butler, PA 16001  
**Duration:** July 1, 1996—June 30, 1999 Three (3) years  
**Contact:** M. Rebecca Harley, (717) 783-6275

**PUR/AL-96/5** Furnish all materials, equipment and labor to perform janitorial services and trash removal.

**Department:** Office of Attorney General  
**Location:** BNI and DC, and BCP, 1251 and 1259 South Cedar Crest Boulevard, Allentown, PA 18103  
**Duration:** July 1, 1996—June 30, 1999 Three (3) years  
**Contact:** M. Rebecca Harley, (717) 783-6275

**PUR/PHI-96/6** Furnish all materials, equipment and labor to perform janitorial services and trash removal.

**Department:** Office of Attorney General  
**Location:** BNI and DC, 7801 Essington Avenue, Philadelphia, PA 19153  
**Duration:** July 1, 1996—June 30, 1999 Three (3) years  
**Contact:** M. Rebecca Harley, (717) 783-6275

**436-001** Provide janitorial service for the Bureau of Design's Photogrammetry and Surveys Division Office at Building 28, Harrisburg International Airport, Middletown, PA. Services must be provided in accordance with specifications.

**Department:** Transportation  
**Location:** Bureau of Design, Photogrammetry and Surveys Division, Building 28, H.I.A., Middletown, PA 17057  
**Duration:** 7/1/96 to 6/30/97  
**Contact:** John Ewell, (717) 783-1518

**JC-5-96** General cleaning work to be performed Monday through Friday after normal working office hours. Work to be accomplished includes sweeping, mopping, dusting, washing, gathering and emptying trash, and other duties, as indicated in the Janitorial Specifications. Work will be done daily, weekly and monthly as indicated. Also included will be policing outside of building as seasonally required, picking up trash, cutting down weeds and grass, removing cigarette butts, etc.

**Department:** Labor and Industry

**Location:** Chester County-Coatesville Job Center, 0104, 250 East Harmony Street, Coatesville, Chester County, PA 19320-5409

**Duration:** 10/1/96 through 9/30/98

**Contact:** Douglas M. Schmidt, Manager, (610) 384-9393

## Lodging/Meeting Facilities—27

**C100325** Provide lodging, meeting facilities, and meals for approximately 65 people (30 rooms). Facility must be available September 8—13, 1996 and must be located within the City of State College.

**Department:** Conservation and Natural Resources

**Location:** Bureau of Forestry, FFP, City of State College, PA

**Duration:** September 8—13, 1996

**Contact:** Janet Wotring, (717) 783-3309

## Medical Services—29

**X-Ray 96** Vendor to provide all parts, labor and service on all X-ray equipment located at the State Correctional Institution Graterford. Vendor to provide monthly services to equipment—to include cleaning and servicing and changing chemicals on processors. Vendor will provide annual services to X-ray machine. Equipment: Xonics—radiographic/nuroscopic unit to wall mounted chest unit—XMS-15. Kodak X-ray Processor M-7 Dental Gendex GX9000 X-Ray machine, Dentix 810 Basis X-ray processor, and any other equipment acquired.

**Department:** Corrections

**Location:** State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426

**Duration:** 1 year

**Contact:** Kelly Richardson, (610) 489-4151

**BDD-1-96** Psychiatric/Psychological Review Services—Contractor(s) will provide review of claims in order to determine eligibility for Social Security Disability Benefits. Services will be provided Monday through Friday. RFP elaborates on total hours required at each location. Contractor must be a psychiatrist or clinical psychologist and must specify the number of hours and days of service in the proposal.

**Department:** Labor and Industry

**Location:** Bureau of Disability Determination, 1171 South Cameron Street, Harrisburg, Dauphin County, PA 17104; 264 Highland Park Boulevard, Wilkes-Barre, Luzerne County, PA 18702; 351 Harvey Avenue, Greensburg, Westmoreland County, PA 15605

**Duration:** 7/01/96—06/30/98 with one (1) year renewal option

**Contact:** Jack Beyer, (717) 783-3620

**LH-SER003** Contractor to furnish all labor, materials and supplies required to provide dental laboratory services for State Correctional Institution at Laurel Highlands. Anticipated contract will be for a three year period.

**Department:** Corrections

**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Box 631, Somerset, PA 15501-0631

**Duration:** 7/1/96 through 6/30/99

**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

## Property Maintenance—33

**FM07820502 Rebid** Replace rain gutters on two buildings. To receive specifications, send written request to I. G. Reinert, Hamburg Center, Hamburg, PA 19526, FAX (610) 562-6025.

**Department:** Public Welfare

**Location:** Hamburg Center, Hamburg, PA 19526

**Duration:** Indeterminate 1995-96

**Contact:** Irvin G. Reinert, Purchasing Agent, (610) 562-6031

**Service Purchase Contract No. 252705** Repainting of wood and masonry surfaces on State Park Building No. 03650-109 within Ridley Creek State Park, Delaware County. All surfaces to be cleaned and prepared and repainted with two coats of paint of color and type specified by park manager. Sealed bids will be received at park office until 3:00 p.m. prevailing time on 5/1/96, and then publicly opened and read. Documents containing all pertinent information may be obtained from the park manager. Bidders must visit park for site inspection of work to be done.

**Department:** Conservation and Natural Resources

**Location:** State Parks, Ridley Creek State Park, Sycamore Mills Road, Media, PA 19063

**Duration:** Award until 6/30/96

**Contact:** Park Manager, (610) 892-3900

**282206** Masonry services—temporary service, labor only for maintenance and repair and minor construction. All supervised, monitored and inspected by ESU. Contact purchasing department for specifications. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education

**Location:** East Stroudsburg University, East Stroudsburg, PA 18301

**Duration:** July 1, 1996—June 30, 1997

**Contact:** William Roth, (717) 424-3203

**SP 269959** Renovation of bathroom in a Commonwealth building located at Fort Washington State Park.

**Department:** Conservation and Natural Resources

**Location:** Ft. Washington State Park, 500 Bethlehem Pike, Ft. Washington, Montgomery County, PA 19034-2107

**Duration:** June 30, 1996

**Contact:** Regional Park Office, (215) 453-5000

**SP-251499** Waterproof exterior building foundation—contractor to furnish all labor, equipment, materials and supervision to perform exterior building foundation sealing for the purpose of eliminating water infiltration—for Building 18-19. Complete details and specifications can be obtained from the hospital, Monday through Friday, between 8 a.m. and 3 p.m. (excluding State and Federal holidays).

**Department:** Public Welfare

**Location:** Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565-0300

**Duration:** June 1, 1996 through June 30, 1996

**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**304-07353** Contractor to reroof Police Quarters, Garage Bays and Greenhouse located at the Lt. Governor's Residence at Ft. Indiantown Gap, Annville, PA.

**Department:** General Services

**Location:** Buildings and Grounds, Lt. Governor's Residence, Ft. Indiantown Gap, Annville, PA 17003

**Duration:** May 1, 1996 through June 30, 1996

**Contact:** William Myers, (717) 787-6463

**Project No. DGS A 570-12** Project title: Roof Replacement Boiler House and Power Plant. Brief description: remove all existing gravel, built-up roofing and insulation from all roof areas. The roofing materials on the low roof contain asbestos. Install a new EIP roofing system adhered with hot asphalt. 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, May 1, 1996 at 11:00 a.m.

**Department:** General Services

**Location:** State Correctional Institution, Pittsburgh, Allegheny County, PA

**Duration:** 120 calendar days from date of initial job conference

**Contact:** Bidding Unit, (717) 787-6556

### Real Estate Services—35

**891A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the PA Board of Probation and Parole with 2,975 useable square feet of new or existing office space in Lancaster, Lancaster County, PA, with minimum parking for ten (10) vehicles in, within the following boundaries: within the corporate limits of Lancaster, Lancaster Township or Manheim Township and accessible within three (3) blocks of a public transportation system. Proposals due: June 17, 1996. Solicitation No.: 092222.

**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

**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/residential 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

**887A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Corrections with 13,000 useable square feet of new or existing office/residential space, in Pittsburgh, Allegheny County, PA, with minimum parking for twenty (20) vehicles, within the following boundaries: North: East Liberty; South: Friendship Avenue and Penn Circle South; East: Penn Circle East and Sheridan Avenue; West: North Negley Avenue. Proposals due: June 10, 1996. Solicitation No.: 092220.

**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

**886A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Corrections with 13,000 useable square feet of new or existing office/residential space, in Philadelphia, Philadelphia County, PA, with minimum parking for twelve (12) vehicles, within the corporate limits of Philadelphia. Proposals due: June 10, 1996. Solicitation No.: 092219.

**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

**892A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the Public Utility Commission with 24,207 useable square feet of new or existing office/garage space in Philadelphia, Philadelphia County, PA, with minimum parking for seventy-five (75) vehicles within the corporate limits of Philadelphia County. Proposals due: May 13, 1996. Solicitation No.: 092223.

**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

**890A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with 2,675 useable square feet of new or existing office space, with minimum parking for seven (7) vehicles in Bucks County, PA within the Borough limits of Doylestown, PA. The office must be situated within three (3) blocks of a public transportation system. Proposals due: June 10, 1996. Solicitation No.: 092221.

**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

**884A** Lease Office Space To The Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Corrections with 3,236 useable square feet of new or existing office space in Philadelphia, Philadelphia County, PA, with minimum parking for twenty (20) vehicles, within the following boundaries: Area 1: North: Stenton Avenue; South: Schuylkill River; East: Route 1 North and Broad Street; West: Willow Grove Avenue, or Area 2: North: Schuylkill River; South: Lancaster Avenue; East: 34th Street; West: City Avenue. Proposals due: June 10, 1996. Solicitation No.: 092218.

**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

**0800-R/W 0030-B01** Real Estate Appraiser to complete appraisals on various types of properties identified on plans related to the reconstruction or improvement of SR0030 Section B01 in York County. The appraisals will be subject to an extensive review process. Persons submitting bids must be on the Department's Prequalified List of Fee Appraisers and have the proper certification i.e., Residential/General etc., for the various appraisals to be completed. Properties to be appraised are located in Springettsbury Township.

**Department:** Transportation  
**Location:** R/W District 8-0, Appraisals to be delivered to District 8-0 R/W, 2140 Herr Street, Harrisburg, PA 17103-1699  
**Duration:** Most appraisals to be completed and submitted within 30—60 days from notice to proceed  
**Contact:** Thomas Redding, Presnell Associates, Inc., (717) 840-1604

### Sanitation—36

**SP-251498** Removal of flyash—contractor to furnish all labor, equipment, supervision necessary to remove flyash in the breaching of the Boiler House. Complete details and specifications can be obtained from the hospital, Monday through Friday, between 8 a.m. and 3 p.m. (excluding State and Federal holidays).

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565-0300  
**Duration:** June 1, 1996 through June 30, 1996  
**Contact:** Helen M. Kerschner, Purchasing Agent, (610) 670-4128

**LH-SER001** The State Correctional Institution at Laurel Highlands will be bidding a contract for waste removal services. The anticipated contract will be for a three year period.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**304-051** Contractor to furnish the labor and equipment for the removal of rubbish and other waste materials from the Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130.

**Department:** General Services  
**Location:** Buildings and Grounds, Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** William P. Ivers, (215) 560-2518

**304-006** Contractor to furnish labor and equipment for the removal of rubbish, ashes, other waste paper, and all recyclable material at the Reading State Office Building. All work to be performed in a first-class manner in accordance with the standards of the trade.

**Department:** General Services  
**Location:** Buildings and Grounds, Reading State Office Building, 625 Cherry Street, Reading, PA 19602  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** Marc Waxman, (610) 378-4185

**304-105** Contractor to furnish labor and equipment for removal of rubbish and other waste daily, recyclables twice a week and newspapers once a week from the grounds and building of the Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222 in accordance with attached specifications. All work to be done in accordance with standards of the trade and shall be coordinated with the Building Administrator at (412) 565-5373.

**Department:** General Services  
**Location:** Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Joseph Ehrenberger, (412) 565-5373

**304-07341** Contractor to furnish the labor and equipment for the removal of rubbish and other waste materials from the dock level of the East Wing Building, Harrisburg, PA 17125.

**Department:** General Services  
**Location:** Buildings and Grounds, East Wing Building, Commonwealth Avenue, Harrisburg, PA 17125  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** Fritz Smith, (717) 787-2155

**LH-SER004** Contractor to provide sewage testing services to include necessary materials and instructions for collection of sewage testing at the State Correctional Institution at Laurel Highlands. The anticipated contract will be for a three year period.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

**SP 208648** Contractor will provide removal and proper disposal of refuse from Scotland School for Veterans' Children. All pick-ups must be made between 6:00 a.m. and 3:00 p.m., and the contractor must meet residential recycling requirements as governed by Greene Township. This will be a multi-year contract to cover a three-year period beginning July 1, 1996, and extending through June 30, 1999.

**Department:** Education  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Road, Scotland, PA 17254-0900  
**Duration:** July 1, 1996—June 30, 1999  
**Contact:** T. Edward Kump, Facility Maintenance Manager, (717) 264-7187, ext. 674

**SO-107** Supplies and equipment needed for the dispensing of carbonated and non-carbonated beverages at the State Correctional Institution at Somerset Food Service Department. Contract will be a three year period beginning 7/1/96 through 6/30/99. Delivery of products will be as needed and requested by the institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Theresa Solarczyk, Purchasing Agent, (814) 443-8100, ext. 311

**852** Dance and concert music by various vendors for the individuals of Polk Center. Band groups shall consist of a minimum of three persons with at least one of them being a vocalist. The facility may also request a DJ to provide various music.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** 7/1/96—6/30/97  
**Contact:** Patty Frank, (814) 432-0397

[Pa.B. Doc. No. 96-616. Filed for public inspection April 12, 1996, 9:00 a.m.]

## Vehicle, Heavy Equipment and Powered Machinery Services—38

**080-96-SDC** Purchase and installation of a side-discharge conveyor to be installed on an Athey Model 7-12 belt loader.

**Department:** Transportation  
**Location:** 2140 Herr Street, Harrisburg, PA 17103-1699  
**Duration:** April 30, 1996  
**Contact:** W. J. Smith, (717) 787-4339

**LH-SER006** Contractor to supply all labor and parts necessary to repair electric motors located at the State Correctional Institution Laurel Highlands. Anticipated contract will be for a three year period.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Box 631, Somerset, PA 15501-0631  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

## Miscellaneous—39

**PUR/DW/PH-96/7** Provide drinking water in five (5) gallon bottles, as needed.

**Department:** Office of Attorney General  
**Location:** Civil Law, 2nd and 3rd Floors, Stephen Girard Building, 21 South 12th Street, Philadelphia, PA 19107  
**Duration:** July 1, 1996—June 30, 1999, Three (3) years  
**Contact:** M. Rebecca Harley, (717) 783-6275

**8915-2055-000** Carbonated beverage products, disposable five (5) gallon containers to be used in conjunction with dispensing machines, minimum of two (2) dispensing units shall be provided and maintained by the vendor with a dispensing capability of five (5) different flavors. Approximate annual consumption of product seventeen (17) thousand gallons. Vendor shall provide approximately six-hundred (600) carbon dioxide cylinders in squat configuration, twenty (20) pound capacity of a returnable refillable type. Deliveries shall be on a weekly basis.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258 S., Mercer, PA 16137-9651  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** John J. Pitonyak, (412) 662-1837, ext. 194

**1625** Typewriter/calculator/office equipment repair service—contractor to provide repair of typewriters and office equipment as needed on a call-in basis. No travel time to be included in bid hours. Complete specifications and instructions may be obtained by contacting the hospital. Award to be made on an aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** 09/01/96—08/31/99  
**Contact:** BD Muntz, (814) 726-4496

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
1811135-01	03/28/96	Leibensperger Transporta- tion Sales	81,124.00	2222115-01	04/01/96	J. Lorber Company	14,286.00
1871135-01	03/28/96	Wolffington Body Works	44,569.00	2232135-01	04/01/96	Phillips Ford Sales	23,590.00
1895155-01	03/28/96	Keystate, Inc.	12,988.76	2240205-01	04/01/96	Alling and Cory Co.	4,692.00
1915115-01	03/28/96	PAC Indus- tries, Inc.	8,110.00	2246115-01	03/28/96	Tri State Equipment Co.	18,768.00
1947155-01	04/01/96	United Tele- phone of PA	185,759.27	2260155-01	04/01/96	Integrated Power Sources	13,605.00
2048385-01	04/01/96	Phillips Ford Sales	12,298.00	2287235-01	04/01/96	Bruce V. Earle, Inc.	20,336.25
2052215-01	03/28/96	Diversified Corporate Management Service	15,158.40	2289385-01	03/28/96	Bio-Sun Sys- tems, Inc.	24,174.00
2069215-01	03/28/96	Wolffington Body Works	37,489.00	2298205-01	03/28/96	Forklifts, Inc.	17,798.00
2114215-01	03/28/96	McKesson Drug Com- pany	12,049.76	2301255-01	03/28/96	PA Police Sup- ply	35,655.95
2141115-01	03/28/96	Ag-Chem, Inc.	10,368.38	2307135-01	03/28/96	Allegheny Clarklift, Inc.	13,954.00
2141115-02	03/28/96	Union Mill Div. of Chemgro, Inc.	546.00	2310185-01	04/01/96	Lift Truck Ser- vice	18,300.00
2141115-03	03/28/96	Agway Crop Center	2,518.00	2398215-01	04/01/96	Foxmeyer Drug Com- pany	6,201.36
2147115-01	04/01/96	Scullin Oil Company	22,000.00	2415215-01	03/28/96	Schein Phar- maceutical	10,800.00
2160125-01	03/28/96	Heathkit Edu- cational Sys- tems	4,539.35	2523215-01	04/01/96	Bristol-Myers Squibb	14,835.60
2184215-01	04/01/96	CIBA Pharma- ceuticals	13,098.96	3610-04	04/09/96	Harrisburg Copiers, Inc.	10,000.00
2187165-01	03/28/96	Integrated Systems Group, Inc.	7,463.00	3610-04	04/09/96	John Levine	15,000.00
2197115-01	03/28/96	Lee Process Systems and Equipment Co.	34,344.00	3610-04	04/09/96	Manugraph Machinery, Inc.	50,000.00
2207115-01	04/01/96	Moyer & Son, Inc.	26,268.25	3610-04	04/09/96	Gestetner Cor- poration	10,000.00
2209305-01	03/28/96	Lane Science Equip. Corp.	13,528.00	3610-04	04/09/96	General Bind- ing Corp.	10,000.00
2217225-01	03/28/96	Northeast Auto Outlet	15,402.02	3610-04	04/09/96	Washington Printing Supplies	120,000.00
2217225-02	03/28/96	Pacifico Ford, Inc.	14,283.00	3610-04	04/09/96	Savin Corp.	5,000.00
2217225-03	03/28/96	Winner Group, Inc.	15,422.00	3610-04	04/09/96	Standard Du- plicating Machines	10,000.00
				3610-04	04/09/96	Phillips Office Products, Inc.	9,000.00
				3610-04	04/09/96	Riso, Inc.	5,000.00
				3610-04	04/09/96	Harold M. Pit- man Co.	40,000.00

## STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
3610-04	04/09/96	G. E. Richards Graphic Supply Co.	65,000.00	6605-05	04/01/96	HNU Systems	10,000.00
3610-04	04/09/96	A. M. Multigraphics	60,000.00	6605-05	04/01/96	Optical Appa- ratus Co., Inc.	1,000.00
3610-04	04/09/96	Franklin Printers Supply Co.	15,000.00	6605-05	04/01/96	Para Scientific Co.	4,000.00
3610-04	04/09/96	A. B. Dick Company	50,000.00	6605-05	04/01/96	Varian Associ- ates, Inc.	1,000.00
3610-04	04/09/96	C. P. Bourg, Inc.	20,000.00	6605-05	04/01/96	Perkin Elmer	1,000.00
3610-04	04/09/96	E. N. Dunlap	15,000.00	6605-05	04/01/96	Tek-Mar Co.	1,000.00
3610-04	04/09/96	E. Thomas Brett	15,000.00	6760-02	04/01/96	Canon USA	6,000.00
4930-01	04/03/96	Francis Smith & Sons	56,090.14	6760-02	04/01/96	IMR Limited	18,000.00
4930-01	04/03/96	Hafer Petro- leum Equip- ment Ltd.	16,754.70	6760-02	04/01/96	Common- wealth Of- fice Systems, Inc.	12,000.00
6605-05	04/01/96	E. I. DuPont	1,000.00	6760-02	04/01/96	Micrographic Systems, Inc.	9,000.00
6605-05	04/01/96	Canberra In- dustries, Inc.	1,000.00	6760-02	04/01/96	3M Co.	2,000.00
6605-05	04/01/96	Hewlett- Packard	1,000.00	6760-02	04/01/96	Anacomp	7,000.00
6605-05	04/01/96	Jordon Scien- tific Prod- ucts	1,000.00	6760-02	04/01/96	DKM Microservices, Inc.	1,000.00
6605-05	04/01/96	Lachat Instru- ments	1,000.00	6760-02	04/01/96	Bell & Howell	6,000.00
6605-05	04/01/96	Thomas Scien- tific	2,000.00	6760-02	04/01/96	Eastman Kodak Com- pany	4,000.00
6605-05	04/01/96	Beckman In- struments, Inc.	2,000.00	6840-02	04/01/96	Cadco/Div. of Chemi-Trol Chem. Co.	4,085.00
6605-05	04/01/96	Fisher Scien- tific	9,000.00	6840-02	04/01/96	Timberland Enterprises, Inc.	112,907.20
6605-05	04/01/96	VWR Scien- tific, Inc.	5,000.00	6840-02	04/01/96	Arborchem Prod. Co.	954,193.25
6605-05	04/01/96	Macalaster Bicknell Le- gal Waiver- Disallowing "N" Coded Products	1,000.00	6840-02	04/01/96	J. C. Ehrlich Chemical Co.	291,113.00
6605-05	04/01/96	Hitech (Sony Products Disallowed) Olympus	1,000.00	6840-02	04/01/96	Prolawn, Agway	4,601.79
6605-05	04/01/96	Hach Com- pany	1,000.00	6840-02	04/01/96	AG-Chem, Inc.	109,861.80
6605-05	04/01/96	Waters Corpo- ration	1,000.00	7313330-01	03/28/96	Commercial Marketing Associates, Inc.	75,509.00
6605-05	04/01/96	A. Daigger & Co.	4,000.00	7430-01 Rebid in Part No. 1	04/09/96	T. A. Adler Royal	5,000.00
				7430-01 Rebid in Part No. 1	04/09/96	Engle Busi- ness Equip., Inc.	5,000.00
				8158780-01	04/01/96	Akzo Nobel Salt, Inc.	69,600.74
				8204820-01	03/28/96	Westrex Inter- national	18,090.75

STATE CONTRACTS INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of
8502860-01	03/28/96	Leshar Mack Sales and Service	16,200.00
8930-01	04/05/96	Weis Food Ser- vice	134,625.40
8930-01	04/05/96	Feeser's, Inc.	101,867.80

Requisition or Contract #	Awarded On	To	In the Amount Of
8930-01	04/05/96	Rykoff Sexton, Inc.  GARY E. CROWELL, <i>Secretary</i>	30,958.80

[Pa.B. Doc. No. 96-617. Filed for public inspection April 12, 1996, 9:00 a.m.]