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# PENNSYLVANIA BULLETIN

Volume 28

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

**No. 281, April 1998**

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**PENNSYLVANIA**



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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*.

### **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.

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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\* \* \* \* \*

#### APPENDIX A

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E. which provides for trust account overdraft notification:

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488	Jonestown Bank and Trust Company	94	Orrstown Bank
72	Juniata Valley Bank (The)		
	<b>K.</b>		<b>P.</b>
		267	Parkvale Savings Bank
57	Keystone Bank	512	Patriot Savings Bank
403	Keystone Savings Bank	96	Penn Central National Bank
414	Kishacoquillas Valley National Bank (The)	97	Penn Security Bank & Trust Company
	<b>L.</b>	320	Pennsylvania Capital Bank
		98	Pennsylvania National Bank
404	LA Bank, National Association	441	Pennsylvania Savings Bank
74	Lafayette Bank	445	Pennsylvania State Bank
75	Laurel Bank	442	Pennview Savings Bank
76	Laurel Savings Bank	446	Peoples Bank and Trust Company
187	Lebanon Valley National Bank	99	Peoples Bank of Glen Rock
405	Lewistown Trust Company	185	Peoples Bank of Oxford (The)
78	Luzerne National Bank	164	Peoples Bank of Unity
	<b>M.</b>	188	Peoples Bank of Western Pennsylvania
		154	Peoples Home Savings Bank
		482	Peoples National Bank of Rural Valley (The)
269	Madison Bank		Peoples National Bank of Susquehanna County
80	Main Line Federal Savings Bank	447	Peoples Savings Bank
386	Malvern Federal Savings Bank		Peoples State Bank (The)
412	Manor National Bank	444	Peoples Thrift Savings Bank
361	Manufacturers & Traders Trust Company	491	PFC Bank
510	Marion Center National Bank	443	Phoenixville Federal Savings
387	Marquette Savings Bank	131	Pioneer American Bank, N.A.
81	Mars National Bank (The)	448	Pittsburgh Home Savings Bank
367	Mauch Chunk Trust Company	168	PNC Bank, National Association
368	Mechanics Savings and Loan, FSA	453	Pocono Community Bank
5	Mellon Bank, N.A.	79	Polonia Bank
413	Merchants Bank of PA	534	Port Richmond Savings
192	Merchants National Bank of Bangor (The)	528	Portage National Bank
478	Merchants National Bank of Kittanning	449	Premier Bank
294	Mid Penn Bank	454	Prestige Bank, FSB
87	Mid-State Bank and Trust Company	450	Prime Bank
511	Mifflin County Savings Bank	455	Progress Federal Savings Bank
276	Mifflinburg Bank & Trust Company	306	Progressive Home Federal
344	Miners Bank of Lykens	202	Prudential Savings Bank
345	Minersville Safe Deposit Bank and Trust Company	451	
		456	
327	Montour Bank		<b>Q.</b>
346	Morton Savings and Loan Association		Quakertown National Bank (The)
180	Moxham National Bank		
484	Muncy Bank & Trust Company (The)	107	
	<b>N.</b>		<b>R.</b>
		109	Reeves Bank
440	National Bank of Commerce	245	Regent National Bank
433	National Bank of Malvern	487	Reliable Savings Bank, PaSA
435	National Bank of North East	452	Reliance Savings Bank
527	National Bank of the Commonwealth	463	Rittenhouse Trust Company (The)
337	National City Bank of Pennsylvania	496	Roxborough Manayunk Federal Savings Bank
88	National Penn Bank		Royal Bank of Pennsylvania
157	Nazareth National Bank & Trust Company	208	
371	NBO National Bank		<b>S.</b>
347	Neffs National Bank (The)		S&T Bank
372	Nesquehoning Savings Bank		Savings and Loan Association of Milton
434	New Tripoli National Bank (The)	153	Schuylkill Savings & Loan Association
90	NOR-CAR Federal Credit Union	457	Scottdale Bank & Trust Company (The)
492	North Penn Savings & Loan Association	514	Second Federal Savings & Loan Assoc. of Philadelphia
92	Northern Central Bank	464	Second National Bank
373	Northside Bank	460	Second National Bank of Masontown
439	Northumberland National Bank		Security National Bank
93	Northwest Savings Bank	515	Security Savings Association of Hazleton
	<b>O.</b>	335	Sentry Federal Credit Union
		147	Sharon Savings Bank
348	Old Forge Bank	461	
323	Omega Bank, NA	516	
		458	

462 Slovenian Savings & Loan Assoc. of  
Franklin—Conemaugh  
459 Smithfield State Bank  
486 Somerset Trust Company  
469 Spring Hill Savings Bank, FSB  
111 Southwest National Bank of PA  
316 Sovereign Bank, FSB  
465 St. Edmond's Savings and Loan  
Association  
518 Standard Savings Bank  
529 Suburban Community Bank  
466 Suburban Federal Savings Bank  
158 1st Summit Bank  
485 Summit Bank  
517 Sun Bank  
236 Swineford National Bank

**T.**

26 Third Federal Savings Bank  
150 Three Rivers Bank & Trust Company  
468 Troy Hill Federal Savings Bank  
467 Turbotville National Bank (The)  
313 Twin Rivers Community Bank

**U.**

113 Union Bank and Trust Company  
481 Union Building and Loan Savings Bank  
232 Union National Bank & Trust Co.  
483 Union National Bank of Mount Carmel  
(The)  
133 Union National Bank of Mount Joy  
243 Unitas National Bank  
472 United Bank of Philadelphia  
475 United Savings Bank  
116 United States National Bank  
117 United Valley Bank

**V.****W.**

119 Washington Federal Savings Bank  
121 Wayne Bank  
122 West Milton State Bank  
494 West View Savings Bank  
473 Westmoreland Federal Savings and Loan  
Assoc. of Latrobe  
476 William Penn Savings and Loan  
Association  
123 Williamsport National Bank  
474 Willow Grove Bank  
160 Wilmington Trust of PA  
272 Woodlands Bank

**X.****Y.**

124 York Bank and Trust Company (The)

**Z.**

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

[Pa.B. Doc. No. 98-625. Filed for public inspection April 24, 1998, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

**Family Division; Rule for Actions of Custody,  
Partial Custody and Visitation of Minor Children;  
Administrative Doc. No. 85 of 1998**

#### Administrative Order of Court

*And Now*, this 2nd day of April, 1998, it appearing that the Allegheny County Court of Common Pleas Family Division has promulgated Local Rules for Actions of Custody, Partial Custody and Visitation of Minor Children which amends the Allegheny County Local Rules for Family Division, it is hereby *Ordered* that these rules shall be filed and certified by the prothonotary pursuant to Pa.R.C.P. 239., and shall be effective 30 days after publication in the *Pennsylvania Bulletin*. Copies are available for review in the prothonotary's office.

*By the Court*

MAX BAER,  
*Administrative Judge*

#### Local Rule for Actions of Custody, Partial Custody and Visitation of Minor Children

##### Rule 1915.1(a)(1). Scope.

This rule shall be applicable to all actions for custody, partial custody and visitation whether filed as an independent cause of action or as a count in a related proceeding.

i. All individuals with standing to pursue an action for custody, partial custody or visitation with children from birth to age 17 shall complete the custody education program for adults ("Lighthouse").

ii. All children ages 6 to 17 who are in the care of a party(ies) ("Children") shall participate in an interactive group program for children ("Sandcastles<sup>TM</sup>").

iii. Parties also shall participate fully in the mediation program ("Generations") operated by Family Division. Additionally, step-parents, step-children, grandparents and the like may also participate in Lighthouse or Sandcastles<sup>TM</sup>, upon consent of all parties.

##### Rule 1915.1(b). Definitions.

i. "Generations" means the orientation mediation program established by the Allegheny County Family Division pursuant to 23 Pa.C.S.A. 3901-3904. This "Center" is located at Suite 400, 4th Floor, Allegheny Building, Pittsburgh, Pennsylvania, 15219, telephone (412) 350-4311, which serves as the Family Division Administrative Office for the Generations Program.

ii. "Lighthouse" means the custody education program for adults pursuing claims for custody.

iii. "Sandcastles<sup>TM</sup>" means the interactive educational program for children ages 6 to 17, run in conjunction with the Lighthouse Program for adults.

iv. "Family Services" means the organization which provides the educational components for Lighthouse and Sandcastles<sup>TM</sup> and is located at 921 Penn Avenue Plaza, 4th Floor, Pittsburgh, Pennsylvania, 15222, telephone (412) 261-3623 extension 48 or 32, which serves as the administrative office for Lighthouse and Sandcastles<sup>TM</sup>.

**Rule 1915.3(b). Rescinded.****Rule 1915.3(c). Commencement of Action/Complaint/Waiver/Fees/Refunds.**

i. Prior to the filing of any divorce complaint containing a count for custody or any complaint for custody, shared custody, partial custody or visitation, or any other court papers seeking to initiate any proceeding to compel, modify, terminate or otherwise affect contact between children and parties, the moving party shall deliver the original of the court paper initiating the custody action to the Generations Center. The Center shall immediately provide the moving party with an Order of Court ("Scheduling Order"), setting forth the dates and times when parties and children shall attend Lighthouse, Sandcastles™, Generations Mediation/Orientation (the "Programs"), a Domestic Violence Waiver form and program descriptions. The Scheduling Order shall also specify the location for the adult and children educational programs, Lighthouse and/or Sandcastles™. The mediation program shall always take place in the "Center." This Scheduling Order is then attached to the original complaint or petition for filing.

ii. Within 6 days of filing, the moving party shall provide the Center with a time stamped copy of the court paper initiating the action and the Scheduling Order.

iii. The moving party shall be solely responsible for insuring that any court paper filed during this process is filed in the same docket number as any previously filed Family Division action involving the same parties, or if necessary, to consolidate separate cases under the oldest number.

iv. No party shall be compelled to attend any portion of these Programs with the opposing party, or to attend Generations at all in cases where either party, or a child of either party, is or has been the subject of domestic violence or child abuse at any time within the past 24 months. In such cases, appropriate arrangements for separate sessions for Lighthouse or Sandcastles™ should be made. These arrangements must be made by calling Family Services. The Center shall be notified personally or by mail through use of a supplied waiver form that the victim of abuse elects not to attend the mediation orientation session. The opposing party shall have the opportunity to contest cancellation of mediation through Motions Court. If mediation does not occur, the case will be set down promptly for a custody/partial custody conciliation before a Domestic Relations Officer.

v. All other requests to waive attendance at any portion of the Programs will require an Order of Court which may be sought through Motions Court, but which will be granted only in exigent circumstances. The moving party shall be responsible for filing any order entered in response to such request, and for service upon the appropriate Programs and the opposing party.

vi. All moving parties who are required to participate in the Lighthouse, Sandcastles™ or Generations Program shall pay all fees required for those Programs.

vii. The moving party shall pay fees for Lighthouse, Sandcastles™ and Generations prior to receiving a Scheduling Order.

viii. Upon receipt of the Scheduling Order, the responding party shall pay fees 7 days prior to the scheduled session.

ix. The fee for Lighthouse is \$40 for each party. The fee for Sandcastles™ is \$30 for each child. Each party shall pay 1/2 of each child's total fee. The fees for Lighthouse

and Sandcastles™ shall be payable to Family Services of Western Pennsylvania by cashiers check, money order or credit card, which may be provided by telephone. No cash or personal checks will be accepted. The moving party may, but is not required, to use Visa to pay for Lighthouse and/or Sandcastles™. To do so, they shall call Family Services prior to obtaining a Scheduling Order to arrange for such payment and request that Family Services notify the Generations Center of payment by credit card.

x. The fee for Generations shall be \$100 for each party. The fee for Generations shall be made payable to the Allegheny County Treasurer named in the Scheduling Order by cashiers check or money order, delivered to the Center. No cash or personal checks will be accepted.

xi. Under exigent circumstances, the court will consider waiver or reduction of fees for those unable to pay. Any such request must be presented through Motions Court and must be accompanied by a verified affidavit of indigence or other proof of economic hardship in accordance with Pa.R.C.P. 240 and 1920.62. Such request must be presented to the court at least 10 days prior to the date set for the applicable Program. The party seeking waiver shall be responsible for filing of any order entered in response to such request, and for service thereupon Family Services, the Generations Center and opposing party.

xii. Under no circumstances will any party or child be permitted to participate in any of the Programs absent timely payment of fees.

xiii. In accordance with the Generations Program Description and Instruction Package, which are available at the Generations Center, fees for the education/mediation program are non-refundable with the following exceptions:

1. Domestic Violence Waivers
2. Signed Custody Consent Order of Court with 7 days notice
3. Petitioner's withdrawal of pleadings with 7 days notice
4. Respondent's fees refunded when Petitioner fails to appear for education and/or mediation session.

**Rule 1915.3(d). Confirmation of Custody.**

i. An order confirming custody to formalize a *de facto* custody arrangement to which there is no contest or opposition may be established through this Court's Motion Court procedure for represented and unrepresented parties.

ii. Any party(ies) may seek confirmation of their current arrangement as a legal and/or physical custody of any child(ren) as follows:

a) A Complaint for Custody must be prepared properly in accordance with Pa.R.C.P. 1915.3, and a true and correct copy must be attached to the Petition for Confirmation of Custody as an exhibit.

b) All parties must be served with movant's Petition for Confirmation of Custody together with the exhibits.

c) All parties are to be provided 7 days notice of the date and time of presentation of movant's petition.

d) If no party appears to oppose movant's petition, the court will grant interim relief confirming custody in movant without prejudice to any party's right to seek reconsideration or modification at any time.

e) If this court has granted such relief, the prothonotary shall accept for filing the Complaint for Custody without a Scheduling Order from the Generations Center if the Complaint for Custody is accompanied by the Petition for Confirmation of Custody together with exhibits and a signed Order of Court confirming custody in the movant. Filing fees charged by this Court's prothonotary for the Complaint for Custody and any other document in reference therein, must be paid unless the party has sought waiver of the fees through the court's established procedure to secure an *in forma pauperis* status.

**Rule 1915.3(e). Grandparents/Third Parties.**

i. A grandparent who wishes to pursue custody or partial custody should refer to the statutory provisions found in 23 Pa.C.S.A. § 5311, 5312, 5313 and 5314, and should carefully review these provisions to insure that he or she has standing to bring an action.

ii. The partial custody claims of grandparents or other third party shall not be scheduled for Lighthouse/Generations or a conference/hearing without obtaining an Order from a Family Division judge through regular or *pro se* motions. Grandparents/third parties who are not represented by an attorney may obtain assistance on how to prepare, serve and file a motion if they meet financial eligibility requirements from the *pro se* volunteer attorney program.

**Rule 1915.4(a). Service/Rescheduling.**

i. The moving party shall be solely responsible for serving the responding party(ies) with true and correct copies of the court's papers initiating the custody action, the Scheduling Order, the Domestic Violence Waiver and the Program descriptions within five days of the date of the Scheduling Order.

ii. The moving party shall also file a Proof of Service indicating the date, time and manner of such service with the court's prothonotary and the Generations Center.

iii. Rescheduling of the education seminar date and/or time for any of the Programs should be sought only when necessary.

iv. No case will be rescheduled for a date longer than 70 days after issuance of the Scheduling Order, except upon Order of Court, which shall be granted only in exigent circumstances. Requests to reschedule a date after expiration of the 70 days should be made through Family Division's Motions Court.

v. Any party desiring to reschedule Lighthouse or Sandcastles™ shall contact Family Services office at (412) 261-3623 extension 48 or 32 to determine several available dates and times.

vi. Any party seeking to reschedule a Generations mediation session must seek rescheduling through Motions Court.

**Rule 1915.4-3. Orientation—Mediation/Confidentiality/Mediator. Qualifications/Conciliation/Psychological Evaluation and Home Study.**

i. Mediators shall have a college degree and either an advanced degree or equivalent experience. Additionally, all mediators without exception shall take a basic 40 hour domestic mediation training seminar conducted by trainers who have been approved by the American Academy of Family Mediators and a basic domestic violence training seminar which has been approved by the American Academy of Family Mediators. All mediators shall carry liability insurance. Mediators shall adhere to the stan-

dards of practice adopted by the American Academy of Family Mediators and the American Bar Association.

a. If at any time prior to or during any mediation session it becomes apparent to the mediator or parties that the mediator has an actual conflict, the mediation shall be discontinued immediately, and a new mediator shall be assigned.

b. No one shall act as a mediator if he or she has provided legal representation, counseling or therapy for the parties or children. Subsequent to the mediation, no mediator shall act as legal counsel or as therapist or expert for parties who took part in the mediation or children who were the subject thereof.

ii. All mediation conducted through Generations shall be "closed." Accordingly, the contents of such mediation shall be confidential. If both parties provide written consents, mediators may, but shall not be required, to discuss such contents with counsel or others. Disclosure by the mediator of anything learned during the mediation process shall be controlled by 42 Pa.C.S.A. § 5949.

iii. No one except parties shall be permitted in the Generations Center's office at the time set for mediation.

iv. At the conclusion of the mediation session, if an agreement is reached, the mediator shall write a Memorandum of Understanding ("Memorandum"). The Memorandum shall not be legally binding upon the parties. Should parties have counsel, they shall be referred to counsel to reduce the Memorandum to a Parenting Agreement and/or Order of Court. Should parties not have counsel, they shall be referred to the Allegheny County Bar Association Lawyer Referral Service ("Lawyer Referral"). Lawyer Referral shall provide each party with the name of an attorney who has agreed to represent the party. Such counsel shall reduce the Memorandum to a mutually agreeable Parenting Agreement and/or Order of Court for a flat fee of \$100 per party. Counsel shall be responsible for no other action on behalf of the party and need not enter an appearance with this court.

v. In the event no resolution results from mediation, the parties may consent to continue to mediate with the same mediator, or by consent the parties may choose a different Generations mediator. Up to an additional 6 hours of mediation may be scheduled for a fee of \$100 per hour at \$50 per party. Absent consent to an alternative arrangement or Order of Court, each party shall be responsible for their own fee.

vi. If at any time during these 6 additional hours of mediation the parties are able to reach a Memorandum of Understanding, which, in turn, is reduced to a Parenting Agreement and/or Order of Court, or should the mediator in his or her sole discretion declare that the mediation is at a permanent and irrevocable impasse and should be terminated, the mediator shall refund to each party \$50 for each full hour not used during the mediation.

vii. Parties who elect to litigate the custody issue shall be required to present a praecipe to schedule a conciliation with one of the court's custody Domestic Relations Officers ("DROs"). This praecipe must be presented to the Generations Center and must have a copy of the certificate of completion of mediation attached.

viii. Partial custody establishments, modification and contempt which are not settled by the DROs will be listed for a hearing.

ix. Custody cases which are not resolved by the DROs may be referred by the DRO for psychological evaluation

and home study. After the evaluations are completed, the parties may praecipe for conciliation before a judge.

x. Parties who did not elect to pursue litigation at the completion of their mandatory mediation orientation session and who subsequently determine that they may need to return to litigation, may obtain a conciliation by filing a praecipe, a copy of the certificate of completion of mediation, and a copy of the underlying pleading with the Generations Center.

xi. Parties who have never been through the Lighthouse and Generations Programs and wish to proceed directly to a conciliation must obtain an order permitting them to do so from the judge in either regular or *pro se*, motions.

xii. Where the parties have gone to education but not to mediation (i.e., because the mediation was canceled because the parties had a consent order, or the parties were previously waived from mediation by a judge and a court order was issued following conciliation/hearing, etc.) the case will automatically be scheduled for mediation orientation only, and the petitioner will be provided an appropriate Scheduling Order. Petitioner and respondent will pay fees as stated above in the usual case.

xiii. For parties who attended mediation orientation more than one year ago, whether they now have a new action (i.e., the case that initially brought them to mediation was establishment and now they seek modification or enforcement) or they need to resolve finally the action that originally brought them to mediation orientation (i.e., they initially mediated the issue of establishment but never turned the memorandum into a consent order), they will automatically be scheduled for mediation orientation as set forth above.

xiv. For parties who attended mediation orientation less than one year ago, they may file a praecipe for conciliation and proceed through the court process.

**Rule 1915.9(a). Pre-Trial Procedures.**

i. Preliminary Objections shall be argued in conformity with local rule 1930(b).

ii. Pre-Trial Statements

(a) In all actions for full and partial custody, the parties shall be in conformity with the pre-trial order issued by the assigned judge.

**Rule 1915.12(a)(1). Civil Contempt for Disobedience of Custody Order, Petition, Service or Order.**

i. The agency to be named in the notice accompanying a petition for civil contempt shall be: Lawyer Referral Service, 920 City-County Building, Pittsburgh, PA, 15219, telephone (412) 261-0518.

**Rule 1915.14(a). Noncompliance/Contempt/Arrest.**

i. If the moving party fails to pay fees as specified, fails to appear for Lighthouse or Generations or fails to insure that any child within their physical custody appears for Sandcastles™, the custody action shall be dismissed without prejudice and any fees paid by such party shall be forfeited.

ii. Should the non-moving party fail to pay fees as specified, fail to appear for Lighthouse or Generations or fail to insure that any child within their physical custody appears for Sandcastles™, an immediate rule to show cause why such party should not be held in contempt shall issue from this court. Such rule shall be returnable on a date certain within 14 days. Such party shall then be required to appear in court to show cause why they

should not be held in contempt and suffer sanctions for failure to pay or appear. Any party failing to appear in court in accordance with the rule to show cause shall have a bench warrant for their arrest issued, and shall be arrested by the Allegheny County Sheriff's Office and brought before this court.

**Rule 1915.15(a)(1). Form of Complaint/Caption/Order.**

i. The agency to be named in the order of court accompanying the complaint shall be: Lawyer Referral Service, 920 City-County Building, Pittsburgh, PA 15219, telephone (412) 261-0518.

**Rule 1915.16(c). Form of Order and Notice, Joinder, Intervention.**

i. The agency to be named in the order of court and notice under this rule shall be: Lawyer Referral Service, 920 City-County Building, Pittsburgh, PA, 15219, telephone (412) 261-0518.

[Pa.B. Doc. No. 98-626. Filed for public inspection April 24, 1998, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### SCHUYLKILL COUNTY

#### Amendments to Rules of Civil Procedure

*And Now*, this 9th day of April, 1998, at 9:10 a.m., the Court hereby amends Schuylkill County Civil Rules of Procedure 206A(a) and (e), Rule 211 and Rule 1035 for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). These rules shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.

4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

**Rule 206A. Motions.**

(a) All motions or petitions for appointment, and for all miscellaneous matters, shall be governed by this rule. Motion for judgment of non pros shall follow petition practice and comply with PA State Rule 206.6.

(e) Every motion not certified as uncontested shall be accompanied by a memorandum containing a concise statement of the legal contentions and authorities relied upon in support of the motion and an affidavit of service



upon the party against whom relief is sought, or to his attorney. Any party opposing the motion shall file and serve such answer or other response that may be appropriate, a memorandum in opposition, and an affidavit of service upon the other party within twenty (20) days after service of the originating motion and supporting brief, unless the Pennsylvania Rules of Civil Procedure mandate a period of time different than twenty (20) days. In the absence of timely response, the motion may be treated as uncontested. The Court may require or permit further briefing, if appropriate.

**Rule 211. Argument/Oral Argument.**

Unless otherwise requested by counsel in writing all matters will be decided based upon the written arguments set forth in the briefs of the litigants. Requests for oral argument shall be submitted in writing to the assigned judge, or when there has not been a specific assignment to the Court Administrator, and shall be submitted not later than the date that the last brief is due to be filed. Requests for oral argument shall include an explanation providing the reason that the argument contained in the brief does not adequately address the issue. Failure to request oral argument in writing, including matters in which argument is required by rule (e.g. Pa.R.C.P. 1910.12(g)), will be deemed by the court to constitute an agreement by the parties to waive oral argument, and allow disposition on the record.

**Rule 1035. Motion for Summary Judgment.**

A motion for summary judgment shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.3 indicating that the matter can be disposed of on the record and shall further be accompanied by the brief of the moving party. The answer and brief of any opposing party shall be filed within thirty (30) days after service of the original motion.

[Pa.B. Doc. No. 98-627. Filed for public inspection April 24, 1998, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Collection Fee and Late Payment Penalty for 1998-1999 Registration Year

Notice is hereby given of the establishment by The Disciplinary Board of the Supreme Court of Pennsylvania for the 1998-1999 registration year of the collection fee for checks in payment of the annual registration fee for attorneys that are dishonored and the late payment penalty for registrations not received on time.

Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) provides that, where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, a collection fee established annually by the Board must be paid before the annual registration fee shall be deemed to have been paid. The Board has established the collection fee for the 1998-1999 registration year as \$50 per returned item.

Pa.R.D.E. 219(h)(2) provides that a late payment penalty established annually by the Board must be paid by an attorney who fails to timely file an annual registration statement before the attorney shall be considered on active status for the new registration year. The Board has established the late payment penalty for the 1998-1999 registration year as \$50.

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

[Pa.B. Doc. No. 98-628. Filed for public inspection April 24, 1998, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

[31 PA. CODE CH. 73]

#### Corrective Amendment to 31 Pa. Code § 73.140(d)

The Insurance Department has discovered a discrepancy between the agency text of 31 Pa. Code § 73.140(d) (relating to credit insurance on closed end variable interest loans), as deposited with the Legislative Reference Bureau and the official text published at 28 Pa.B. 1401 (March 21, 1998) and as scheduled to be published in the May, 1998 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 282). The words "outstanding balance" were inadvertently included in the published version.

Therefore, under 45 Pa.C.S. § 901: The Insurance Department has deposited with the Legislative Reference Bureau a corrective amendment to 31 Pa. Code § 73.140(d). The corrective amendment to 31 Pa. Code § 73.140(d) is effective as of June 19, 1998.

The correct version of 31 Pa. Code § 73.140(d) appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

### TITLE 31. INSURANCE

#### PART III. CREDIT INSURANCE

#### CHAPTER 73. CREDIT LIFE INSURANCE, CREDIT ACCIDENT AND HEALTH INSURANCE AND CREDIT UNEMPLOYMENT INSURANCE

#### § 73.140. Credit insurance on closed end variable interest loans.

\* \* \* \* \*

(d) *Benefit amount.* Subject to any policy limitations, if premiums are payable on a single premium basis, the monthly A and H insurance benefit and the involuntary unemployment insurance benefit shall equal the amount of the original monthly installment payment. Subject to any policy limitations, if premiums are payable on a monthly basis, the monthly A and H and involuntary unemployment insurance benefits shall equal the amount of the monthly installment payment amount on the day disability or unemployment began.

\* \* \* \* \*

[Pa.B. Doc. No. 98-629. Filed for public inspection April 24, 1998, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[49 PA. CODE CH. 36]

#### Standards of Professional Conduct

The State Board of Certified Real Estate Appraisers (Board), by this order amends § 36.201 (relating to

definitions) and adds § 36.281 (relating to standards of professional conduct) to read as set forth in Annex A.

Section 36.281 establishes standards of professional conduct for certified Pennsylvania evaluators (CPEs). The standards are modeled after the Code of Ethics and Standards of Professional Conduct of the International Association of Assessing Officers (IAAO). Section 36.201 defines terms used in the standards.

#### *Summary of Comments and Responses to Proposed Rule-making*

The Board published a notice of proposed rulemaking at 26 Pa.B. 489 (February 3, 1996) following which the Board entertained public comments for 30 days. The Board did not receive public comments.

The Board received comments from the House Professional Licensure Committee (House Committee) on March 19, 1996, and the Independent Regulatory Review Commission (IRRC) on April 3, 1996, under their review of the amendments under the Regulatory Review Act (71 P. S. §§ 745.1—745.15). On March 20, 1996, the Board received comments from Rep. William R. Lloyd, Jr., who was then a member of the House Committee. The Board did not receive comments from the Senate Committee on Consumer Protection and Professional Licensure (Senate Committee), which also reviewed the amendments during proposed rulemaking.

On December 10, 1997, the Board received comments from Rep. Lawrence Roberts. Because the comments were received after proposed rulemaking and involve some matters outside the scope of proposed rulemaking, and to give the widest possible effect to Executive Order 1996-1 (relating to regulatory review and promulgation), the Board intends to consider Rep. Roberts's recommendations as a separate regulatory initiative.

The following is a summary of the comments that the Board received during proposed rulemaking and the changes the Board has made in response to the comments.

#### *§ 36.281. Standards of Professional Practice*

The preamble to the proposed § 36.281 announced that some standards of professional conduct are mandatory and others are aspirational. CPEs who fail to comply with mandatory standards would be subject to Board disciplinary action under the Assessors Certification Act (ACA) (63 P. S. §§ 458.1—458.16), while CPEs who fail to comply with aspirational standards would not be subject to Board disciplinary action.

IRRC raised a general objection to aspirational standards on the ground that their unenforceability could undermine public confidence in the assessing profession and suggested that nonbinding standards are more appropriate as statements of policy rather than as regulations. IRRC, together with the House Committee and Rep. Lloyd, also commented that some of the standards proposed as aspirational are so important to ensuring the competence and integrity of CPEs that they should be recast as mandatory standards. The Board finds these observations compelling and, as more fully described as follows, has converted those significant aspirational standards to mandatory standards and deleted those aspirational standards of lesser importance.

*General Duties*

Standard 1 mandates that CPEs perform their duties in accordance with the general and specific county assessment laws and generally accepted assessment standards. The proposed version of Standard 1 also encouraged CPEs to perform their assignments "to the best of their ability and with the ultimate goal of adhering to the Uniform Standards of Professional Appraisal Practice (USPAP)," which embody Nationally recognized standards relating to the appraising and assessing professions. In response to recommendations by IRRC and Rep. Lloyd, the Board has made compliance with the USPAP mandatory rather than aspirational. The Board's initial concern that not all CPEs may have sufficient background and training to fully comply with the USPAP has been allayed by assurances of the Assessors Association of Pennsylvania, which supports mandatory compliance with the USPAP. The Board also has made editorial changes to Standard 1 and changed its title from "Duties" to "General duties."

*Public Review of Assessments and Records*

The proposed Standard 2 required CPEs to make all records in their custody available for public review unless the records "are deemed confidential by the county or the property owner or are prohibited or otherwise protected from disclosure by law." Both IRRC and Rep. Lloyd expressed concern that the proposed language could contravene public disclosure laws by giving county officials and property owners the arbitrary right to determine what records maintained by CPEs may be withheld from public review. In response to IRRC's and Rep. Lloyd's concern, the Board has revised Standard 2 to clarify that, consistent with the disclosure provisions of the assessment laws, CPEs shall always make property assessments available for public review and to provide that CPEs shall make all other records in their custody available for public review "unless access to the records is specifically limited or prohibited by law or the information has been obtained on a confidential basis and the law permits such information to be treated confidentially." As recommended by IRRC, the language setting forth the exception to public disclosure of records is identical to the language used in the IAAO's comparable standard. The Board also has changed the title of Standard 2 from "Availability of information and records" to "Public review of assessments and records."

*Relationship with Public; Relationship with Public Officials; Conduct*

Proposed Standards 3—5 encouraged CPEs to treat the public in a courteous and respectful manner (Standard 3); to conduct their affairs forthrightly to avoid the appearance of impropriety (Standard 5); to inform the public of appropriate procedures under the law and regulations (Standard 5); and to cooperate with public officials in improving real estate tax procedures and in coordinating the administrative functions of government (Standard 4).

Consistent with the suggestions of IRRC and the House Committee, the Board has deleted these standards from the final-form regulations because they are aspirational rather than mandatory and because, even if made mandatory, they would do no more than codify the ordinary norms of behavior that the public has a right to expect from any public servant, let alone those, like CPEs, with important public responsibilities.

*Professional Qualifications*

Proposed Standard 6 required CPEs to use professional designations only when they are authorized to do so and prohibited CPEs from claiming qualifications that are false or misleading. Proposed Standard 6 also encouraged CPEs to increase their knowledge and skills beyond the continuing education requirement in § 36.261, which currently requires CPEs to complete 20 hours of continuing education during each license biennium. The Board has deleted this aspirational goal from the final regulation and intends to submit proposed rulemaking that would raise the biennial continuing education requirement for CPEs to 28 hours. The Board also has added a proscription against claiming deceptive qualifications, made editorial changes and renumbered Standard 6 as Standard 3.

*Limitations on Activities*

Proposed Standard 7 prohibited CPEs from performing assignments that could "reasonably be construed as creating a conflict of interest" with their employers and clients. Proposed Standard 7 also permitted CPEs to undertake assignments for which they are not "properly qualified" so long as they make a full and timely disclosure of their lack of qualifications and take steps to ensure that the assignments are performed competently.

IRRC and the House Committee strongly objected to a standard of professional conduct that permits CPEs to undertake assignments for which they are not at all times fully qualified to perform. The Board agrees with this concern and, at the suggestion of IRRC, has revised the entire standard by borrowing the broadly restrictive language from the IAAO's comparable requirement; the revised standard, renumbered as Standard 4, provides that CPEs may not perform assignments "that could reasonably be construed as being in conflict with their responsibilities to their jurisdictions, employers or clients, in which they have unrevealed personal interests or biases, or that they are not qualified to perform." The Board does not believe that it is also necessary for the revised standard to provide, as recommended by IRRC, that CPEs must disclose their lack of qualifications to their employers; the new Standard 3 prevents CPEs from misrepresenting their qualifications. The Board also notes that although the revised standard does not refer to conflict of interest, which is accorded a specific meaning in § 36.201, the subject is adequately covered by the new Standard 7.

*Contingent Fees*

Proposed Standard 8 set forth several limitations on CPEs' receiving contingent fees. The Board has renumbered Standard 8 and Standard 5 and made editorial changes.

*Advertising and Promotion; Conflict of Interest*

Proposed Standard 9 provided that CPEs are permitted to engage in advertising if it is not false, misleading or deceptive and encouraged CPEs who are employees of government agencies not to solicit assignments that could create the appearance of conflicts of interest.

At the suggestion of IRRC, the Board has revised the prohibition against false, misleading or deceptive advertising to include, as well, promotional activities that are false, misleading or deceptive; promotional activities are included in the IAAO's comparable standard. The Board also has redrafted the prohibition for clarity.

Consistent with the views of IRRC and the House Committee, the Board has established as a binding

requirement the admonition against government-employed CPEs soliciting assignments that could create the appearance of conflicts of interest. As defined in § 36.201, a conflict of interest involves the use of one's public position to secure improper pecuniary benefits. The Board has further strengthened the prohibition by making it applicable to the performance of conflict-of-interest assignments as well as their solicitation and, at IRRC's recommendation, to actual conflicts of interest as well as the appearance of conflicts of interest. At the further recommendation of IRRC, the Board has underscored the prohibition's importance by designating it as a separate standard.

The Board has renumbered the revised Standard 9 as Standard 6 and changed its title from "Advertising" to "Advertising and promotion"; the Board has numbered the new standard on conflict of interest as Standard 7 and titled it "Conflict of interest."

*Reporting of Unethical Practices*

Proposed Standard 10 encouraged CPEs to report unethical practices in the appraising and assessing professions to the Complaints Office of the Bureau of Professional and Occupational Affairs (Bureau). Both IRRC and the House Committee opined that this reporting standard should be mandatory rather than voluntary. The Board agrees that the case for a binding standard is compelling because of the unique role that CPEs play in helping to maintain the public's confidence in the integrity of the system of real estate taxation and because the effectiveness of the Board's ability to police the appraising and assessing professions is dependent on the willingness of the regulated community as well as the general public to report misconduct by practitioners. At the request of the House Committee, the Board will consider imposing a similar reporting standard on certified appraisers and certified broker/appraisers.

The Board also has renumbered Standard 10 as Standard 8, changed its title from "Unethical practices notification" to "Reporting of unethical practices" and made editorial improvements recommended by IRRC and the House Committee.

*§ 36.201. Definitions*

Section 36.201 defines "conflict of interest," which is used in § 36.281, as "a situation in which a CPE uses the CPE's employment or confidential information received through the course of the employment of the private pecuniary benefit of the CPE, a member of the CPE's immediate family or a business with which the CPE or a member of the CPE's immediate family is associated." As proposed, § 36.201 also defined "immediate family" as "a parent, spouse, child, brother or sister," and defined "business with which a CPE is associated" as "a business in which the CPE or a member of the CPE's immediate family is a director, officer, owner, employe, or has a financial interest." At the suggestion of IRRC and House Committee, the Board has expanded the definition of "immediate family" to include grandparents and grandchildren as well as any other individuals related to the CPE by blood or marriage when the individuals are living in the family household (or under a common roof). The Board also has made editorial changes to the definitions of "conflict of interest" and "business with which a CPE is associated."

At the recommendation of IRRC, the Board has defined "financial interest," as that term is used in the definition of "business with which a CPE is associated," to mean "any financial interest in a legal entity engaged in

business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness." This definition is identical to the definition of "financial interest" in the act of June 26, 1989 (P. L. 26, No. 9) (65 P. S. §§ 401—413), known as the Public Official and Employee Ethics Law, from which the Board's definitions of "conflict of interest" and "business with which a [CPE] is associated" are also derived.

*Statutory Authority*

Section 3 of the ACA (63 P. S. § 458.3) empowers the Board to promulgate regulations, consistent with other laws of the Commonwealth, to enforce the ACA's provisions. Section 7(a)(6) of the ACA (63 P. S. § 458.7(a)(6)) empowers the Board to impose disciplinary or corrective measures against CPEs who violate standards of professional conduct adopted by the Board by regulation.

*Fiscal Impact and Paperwork Requirements*

The amendments will neither impose new paperwork requirements nor have an adverse fiscal impact upon the Commonwealth, its political subdivisions or the private sector, except that CPEs will be required to complete additional paperwork if they elect to make written, rather than oral, mandatory reports of unethical practices to the Bureau's Complaints Office.

*Compliance with Executive Order 1996-1*

Publication of proposed rulemaking predated Executive Order 1996-1. The Board solicited input from the Assessors Association of Pennsylvania, an organization representing CPEs, regarding the changes recommended by IRRC, the House Committee and Rep. Lloyd during proposed rulemaking.

*Regulatory Review*

On January 19, 1996, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 26 Pa.B. 489, to IRRC and to the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In adopting final-form regulations, the Board considered comments from IRRC and the House Committee. The Board did not receive comments from the Senate Committee or the general public.

On March 2, 1998, the Board submitted the final-form regulations to IRRC and the House and Senate Committees. Under authority of section 5(c) of the Regulatory Review Act, the final-form regulations were approved by the House Committee on March 18, 1998, were deemed approved by the Senate Committee on March 23, 1998. The final-form regulations were approved by IRRC on March 26, 1998.

*Additional Information*

Individuals who desire additional information about the final-form regulations are invited to submit inquiries to Cheryl Lyne, Administrator, State Board of Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-4866.

*Findings*

The Board finds that:

- (1) Public notice of the Board's intention to amend 49 Pa. Code Chapter 36, by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769,

No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form regulations adopted by this order are necessary and appropriate for the administration of the ACA.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 36, are amended by amending § 36.201 and adding § 36.281 to read as set forth in Annex A.

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

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

(d) The amendments shall take effect upon publication in the *Pennsylvania Bulletin*.

DAVID J. KING,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 1806 (April 11, 1998).)*

**Fiscal Note:** Fiscal Note 16A-704 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

**Subchapter C. CERTIFIED PENNSYLVANIA EVALUATORS**

**GENERAL PROVISIONS**

**§ 36.201. Definitions.**

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

*Act*—The Assessors Certification Act (63 P. S. §§ 458.1—458.16).

*Ad valorem taxation purposes*—The establishment of the value of real property as determined by a government employe or revaluation company personnel on contract with a governmental entity for real estate tax assessment.

*Appraisal assessing profession*—The body of individuals who are deemed to be qualified to perform ad valorem tax appraisals.

*Assessor*—A person responsible for the valuation of real property for ad valorem taxation purposes.

*Business with which a certified Pennsylvania evaluator is associated*—A business in which the certified Pennsylvania evaluator or a member of the certified Pennsylvania evaluator's immediate family is a director, officer, owner or employe, or has a financial interest.

*Certified Pennsylvania evaluator*—An individual who has completed a minimum of 90 hours of basic courses of

study covering the appraisal assessing profession and has successfully completed a comprehensive examination covering all phases of the appraisal process and the assessment function established by the assessment statutes of the Commonwealth.

*Conflict of interest*—A situation in which a certified Pennsylvania evaluator uses the certified Pennsylvania evaluator's employment or confidential information received through the course of the employment for the private pecuniary benefit of the certified Pennsylvania evaluator, a member of the certified Pennsylvania evaluator's immediate family, or a business with which the certified Pennsylvania evaluator or a member of the certified Pennsylvania evaluator's immediate family is associated.

*Financial interest*—A financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

*Immediate family*—A parent, spouse, child, brother, sister, grandparent or grandchild and, when living in the family household (or under a common roof), all other individuals related by blood or marriage.

*Real estate appraisal*—A written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation.

*Real estate tax assessment*—A valuation placed on real property for governmental purposes by a government employe or revaluation company personnel or contract with a government.

**STANDARDS OF PROFESSIONAL CONDUCT**

**§ 36.281. Standards of Professional Conduct.**

*Preamble*

Certified Pennsylvania evaluators shall comply with the act and this subchapter and conform to the standards of professional conduct in this section. Certified Pennsylvania evaluators who fail to adhere to these standards will be subject to professional discipline under section 7(a)(6) of the act (63 P. S. § 458.7(a)(6)).

*Standard 1. General duties.*

Certified Pennsylvania evaluators shall perform their duties in accordance with the general and specific county assessment laws and generally accepted assessment standards. Certified Pennsylvania evaluators shall perform all assessments and appraisal-related assignments in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated and adopted by the Appraisal Standards Board (ASB) of the Appraisal Foundation. The USPAP will be amended by the ASB and published annually in separate yearly bound editions. A copy of the USPAP may be obtained from the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D. C. 20005, (202) 347-7722.

*Standard 2. Public review of assessments and records.*

Certified Pennsylvania evaluators shall make property assessments available for public review and shall make all other records in their custody available for public

review unless access to the records is specifically limited or prohibited by law or the information has been obtained on a confidential basis and the law permits the information to be treated confidentially.

*Standard 3. Professional qualifications.*

Certified Pennsylvania evaluators shall use professional designations only when they are properly authorized to do so. Certified Pennsylvania evaluators may not claim qualifications that are false, misleading or deceptive.

*Standard 4. Limitations on activities.*

Certified Pennsylvania evaluators may not perform assessment and appraisal-related assignments that could reasonably be construed as being in conflict with their responsibilities to their jurisdictions, employers or clients, in which they have unrevealed personal interests or biases, or that they are not qualified to perform.

*Standard 5. Contingent fees.*

Certified Pennsylvania evaluators may not perform an assessment or appraisal-related assignment if the employment itself is contingent upon the reporting of a predetermined analysis or opinion, or if the fee to be paid for the performance of the assignment is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the assignment.

*Standard 6. Advertising and promotion.*

Certified Pennsylvania evaluators may not make false, misleading or deceptive statements or claims in advertising or promotions to solicit assessment and appraisal-related assignments.

*Standard 7. Conflict of interest.*

Certified Pennsylvania evaluators who are government employes may not solicit or perform assessment and appraisal-related assignments that could create conflicts of interest or the appearance of conflicts of interest.

*Standard 8. Reporting of unethical practices.*

Certified Pennsylvania evaluators shall report unethical practices or other similar actions or activities which may discredit or reflect adversely upon the appraisal or assessment profession to the Complaints Office of the Bureau of Professional and Occupational Affairs by telephoning the Complaints Office at (800) 822-2113 or by submitting a written complaint to the Complaints Officer of the Bureau of Professional and Occupational Affairs, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649.

[Pa.B. Doc. No. 98-630. Filed for public inspection April 24, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF REVENUE

[61 PA. CODE CH. 101]

### Payments for Employee Welfare Benefit Plans and Cafeteria Plans

The Department of Revenue (Department), under authority contained in section 354 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7354), proposes amendments to §§ 101.1, 101.6 and 101.7 (relating to definitions; compensation; and receipt of income) to read as set forth in Annex A.

#### *Purpose of Proposed Amendments*

The amendments to §§ 101.1, 101.6 and 101.7 are being proposed to explain how employee welfare benefit programs and other wage and salary supplemental programs are taxed and to implement amendments to section 301(d) of the TRC (72 P. S. § 7301(d)) under Act 7-1997.

#### *Explanation of Regulatory Requirement*

The proposed amendments provide employers and employees with a detailed explanation of how nondiscriminatory employee welfare benefit programs such as self-insured medical reimbursement accounts or cafeteria plans are taxed under the Commonwealth's Personal Income Tax. They also provide a detailed explanation of how programs that discriminate in favor of officers, owners and key employees are taxed.

The proposed amendments are also being added to notify employers and employees how the provisions of the Personal Income Tax relating to employee compensation in the form of employer-provided facilities or services will be enforced by the Department. There is no constitutional or statutory basis for exempting these noncash fringe benefits from Personal Income Taxation. To be taxable, the benefit has to constitute a foregone profit or additional monetary cost or expense to the employer that is sufficiently substantial in amount to make accounting for it reasonable and practical.

Excluding an item of income from tax merely because it was paid in a form other than money or property raises serious constitutional issues. Utilizing the personal use of the employer's auto as an example, assume that A, B, C and D have the same annual cash compensation (\$50,000), the annual rental cost of the cars in question is each \$3,600, and the following situations apply:

Example 1. A is permitted personal use of his employer's auto at no cost for the entire taxable year.

Example 2. B is directly reimbursed by his employer for the cost B incurred in renting an auto for 1-year's personal use.

Example 3. C is indirectly reimbursed by his employer for the cost C incurred in renting an auto for 1-year's personal use, the employer paying the bill rather than C.

Example 4. D incurs the cost of renting an auto for personal use for the entire taxable year.

Unless the personal use of the employer's auto is included in A's income, B and C would each have \$3,600 more taxable income than A, even though the amounts of their regular pay are identical and each has the benefit of

having free personal use of an auto for a year; and, unless the personal use of the employer's auto is included in A's income, A and D would each have identical taxable incomes and the exclusive, unrestricted possession, use and control of an auto, even though D's disposable income would be \$3,600 less than A's. These are the kinds of results that would cause taxpayers like B, C and D rightly to question whether they are paying more than their fair share of State taxes and what public purpose would be served by excluding the remuneration from tax.

Moreover, unlike the income tax imposed under The Local Tax Enabling Act, there has never been any Personal Income Tax exclusion from "compensation" for payments made by employers and labor unions for wage and salary supplemental programs such as those addressed in the amendments. For example, § 101.6(a) has, since 1972, provided that taxable compensation includes "tax assumed by an employer." Similarly, § 101.6(c)(7) excludes the value of lodging furnished for the convenience of an employer, not the value of lodging furnished for the convenience of the employee.

If the Personal Income Tax law were to say "received either in cash or in property," it could reasonably be inferred that remuneration received neither in cash nor in property was not to be taxed. However, the General Assembly used the words "whether - or," not "either - or." Thus, even if the uniformity clause of the Pennsylvania Constitution were not implicated, it is reasonable to assume that the General Assembly intended the ordinary meaning and function of the word "whether" when it used it in The Local Tax Enabling Act and the TRC.

Compensation other than in cash or in property has been taxed under the Philadelphia earned income tax for some time without legal challenge. In relevant part, the Philadelphia tax is identical to the Commonwealth's Personal Income Tax. Philadelphia's regulations specifically provide that compensation other than in cash such as the personal use of the employer's auto are taxable. Like the Personal Income Tax law, there is also no exclusion from "compensation" under the Philadelphia ordinance for fringe benefits.

#### *Fiscal Impact*

The Department has determined that the proposed amendments will have a positive fiscal impact of \$1.9 million to \$2.2 million on the Commonwealth.

#### *Paperwork*

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

#### *Effectiveness/Sunset Date*

The proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final publication. No sunset date has been assigned.

#### *Contact Person*

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 15, 1998, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the proposed amendments, by the Department, the General Assembly and the Governor.

(Editor's Note: A proposal to amend § 101.1 remains outstanding at 27 Pa.B. 4436 (August 30, 1997).)

ROBERT A. JUDGE, Sr., Secretary

Fiscal Note: 15-4-2. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 101. GENERAL PROVISIONS

§ 101.1. Definitions.

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

\* \* \* \* \*

Cafeteria plan—A plan maintained by an employer for the benefit of its employees and under which all participants are employees and may choose among two or more benefits consisting of cash or benefits such as accident and health plans, dependent care assistance plans, group-term life insurance, adoption assistance plans and Internal Revenue Code section 401(k) plans. The term includes flexible benefit plans.

\* \* \* \* \*

Discriminatory plan—An employe benefit plan where excludable employer contributions or the benefits attributable to employer contributions discriminate in favor of highly compensated participants. In determining whether a cafeteria plan is discriminatory, the special rules of section 125(g) of the IRC (26 U.S.C.A. § 125(g)) are applicable.

\* \* \* \* \*

Employe benefit plan—An employe welfare benefit plan, retirement benefit program, or other wage and salary supplemental or replacement program established or maintained by an employer or by an

employe organization, or by both, for the benefit of eligible employes or their beneficiaries.

Employe welfare benefit plan—

(i) An employe benefit plan established or maintained to provide to eligible employes or their beneficiaries plan benefits, such as:

(A) Medical, surgical or hospital care or benefits in the event of sickness, accident or disability.

(B) Death benefits.

(C) Unemployment or strike benefits.

(D) Vacation benefits and other guaranteed pay.

(E) Apprenticeship or other training plans.

(F) Scholarships, tuition reductions or educational assistance.

(G) Legal, accounting or other professional services or assistance.

(H) Food, housing, or food or housing allowances.

(I) Day care centers or dependent care assistance.

(J) Athletic, recreational or entertainment facilities, services or assistance.

(K) The personal use of the employer's property or services.

(L) Employe discounts.

(M) Transportation and parking.

(ii) The term does not include plans that offer a benefit that defers the receipt of compensation or operate in a manner that enables participants to defer the receipt of compensation.

\* \* \* \* \*

Highly compensated participant—

(i) A plan participant who is one of the following:

(A) An officer.

(B) A shareholder owning more than 5% of the voting power or value of all classes of stock of the employer.

(C) An individual who, for the preceding taxable year:

(I) Received compensation from the employer in excess of the Federal limitation (after adjustment by the Secretary of the United States Treasury for inflation) set forth in section 414(q)(1)(B) of the IRC (26 U.S.C.A. § 414(q)(1)(B)).

(II) Is in the group consisting of the top 20% of all full-time employes of the employer with at least 3 years of service when ranked on the basis of compensation paid during the taxable year.

(ii) A partner or other self-employed individual.

(iii) A spouse or dependent of a highly compensated individual.

\* \* \* \* \*

Plan—The term includes temporary or permanent programs or arrangements, a trust that forms part of a plan and a contract of insurance.

\* \* \* \* \*



*Poverty income—*

(i) For the purpose of determining eligibility for special tax provisions, **[ monies ] moneys** or property, including interest, gains or income derived from obligations which are statutorily free from State or local taxation under any other act of the General Assembly of the Commonwealth or under the laws of the United States, received of whatever nature and from whatever source derived, but not including the following:

\* \* \* \* \*

(E) Payments to reimburse actual expenses **allowable as an ordinary, reasonable and necessary business expense.**

(F) Payments made by employers to labor unions for programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement **and Federally excludable no-additional-cost services, employe discounts, working condition fringes, qualified transportation fringes and de minimis fringes.**

\* \* \* \* \*

(iii) The following income may not be included: Social Security and Medicare benefits; periodic payments for sickness and disability; **[ workmen's ] worker's** compensation payments; public assistance and relief (welfare); Unemployment Compensation; **[ reimbursed actual expenses; ]** pensions or annuities, including Railroad Retirement Benefits received by reason of retirement; and military pay received by servicemen for duty in a combat zone.

\* \* \* \* \*

*Program covering hospitalization, sickness, disability or death—*

(i) An employe welfare benefit plan that satisfies both of the following requirements:

(A) No program benefits are payable or subject to anticipation, assignment or pledge until the commencement of a covered sickness or disability or death, except:

(I) The return of the participant's own contributions and taxable income or gains thereon.

(II) Amounts paid for the prevention of sickness or disability.

(III) Amounts paid for a policy of insurance.

(B) The only means of obtaining entitlement to program benefits other than the return of the participant's own contributions and taxable income or gains thereon or amounts paid for the prevention of sickness or disability or for insurance is proof of hospitalization, sickness, disability or death.

(ii) The term does not include programs under which benefits are payable either upon hospitalization, sickness, disability or death or separation from employment or some other contingency.

\* \* \* \* \*

*Wage or salary supplement—*

(i) Employer-provided coverage under an employe benefit plan.

(ii) An employer payment to provide benefits under an employe benefit plan, separation, vacation,

holiday or guaranteed pay, reimbursement for personal expenses, and any other amount paid, under an agreement, to one or more of the following:

(A) An independently controlled trust or pooled fund established or maintained for the purpose of funding or providing employe benefit plan benefits under the plan.

(B) An insurance company for the purchase of insurance.

(C) A third party for the benefit of the employe.

(iii) Any benefit under an employe benefit plan to the extent attributable to plan coverage or contributions by the employer which were not includible in income of the employe or are paid by the employer.

**§ 101.6. Compensation.**

(a) Compensation includes items of remuneration received by an employe, **whether** directly or through an agent, in cash or in property, **or** based on payroll periods or piecework, for services rendered as an employe, agent or officer of an individual, partnership, but not guaranteed payments to a partner for services rendered to the partnership, business or nonprofit corporation, or government agency. These items include salaries, wages, commissions, bonuses, stock options, incentive payments, fees, tips, termination or severance payments, rewards, vacation and holiday pay **and other wage and salary supplements**, tax assumed by the employer, and other remuneration received for services rendered.

(b) Scholarships, stipends, grants and fellowships shall be taxable as compensation, if services are rendered in connection therewith. **[ Compensation paid in a medium other than cash shall be valued at its current market value. Stock options shall be considered to be received when the option is exercised, exchanged, sold or otherwise disposed. ]**

\* \* \* \* \*

(c) Compensation does not mean or include any of the following:

(1) Periodic payments for periods of sickness or disability paid by or on behalf of an employer under a program or plan unless the payments are regular wages. Additionally, **[ no ] amount of damages received (whether by suit or agreement and whether as lump sums or as periodic payments) on account of physical injuries or sickness if pain and suffering, emotional distress or other like non-economic element was, or would have been, a significant evidentiary factor in determining the amount of the taxpayer's damage.** No payments made by third-party insurers for periods of sickness or disability would be considered payments of regular wages. A program or plan where any of the following occur would not be considered payment of regular wages:

\* \* \* \* \*

(ii) **[ Employes or employes in the same job classification receive substantially identical periodic payments. ]** The periodic payments are computed with reference to the nature of the sickness or disability and without regard to the employe's job classification.

\* \* \* \* \*

(iv) The periodic payments [would in no event] exceed the employe's usual [rate of] compensation for the period.

\* \* \* \* \*

(5) Payments made by employers to employes to reimburse actual expenses allowable as an ordinary, reasonable and necessary business expense. [Examples of these expenses are the following:

(i) Traveling expenses, including the cost of transportation, meals, lodging, tips and phone calls.

(ii) Moving expenses, which shall include the following:

(A) The following types of expenses and for which the employe is reimbursed in the exact amount by the employer will not be considered compensation:

(I) The expenses incurred in settling an unexpired lease on an old residence or acquiring a lease on a new residence.

(II) The expenses related to premove house hunting trips by the employe.

(III) The cost of transporting the employe and members of his household to the new location by the shortest and most direct route available and in the shortest period of time commonly required to travel the distance involved.

(IV) The temporary living expenses for the employe and members of his household while waiting to move into permanent quarters.

(V) The cost of moving household goods, if paid directly by the employe.

(VI) The expenses related to return trips to former residence.

(VII) The storage charges, if paid directly by the employe.

(B) The costs of moving the employe's personal belongings and household furnishings, including intransit storage charges, even if paid directly by the employer to the carrier are not includable as compensation.

(C) The following types of payment made to an employe by the employer in connection with the employe's move to a new principal place of employment within this Commonwealth shall be considered to be compensation and reportable as gross wages for Commonwealth income tax purposes:

(I) Additional compensation realized to the extent that the price paid by an employer for the residence of an employe exceeds the fair market value of the property.

(II) Allowances paid to the employe in lieu of transporting his automobile to the new location.

(III) Allowances equivalent to 1 month's average earnings paid an employe to cover certain unreimbursable expenses.

(IV) Allowance for employe's Federal income tax applicable to certain taxable moving expenses.]

(6) [Payments made by employers or labor unions for programs covering hospitalization, sickness, disability, death, supplemental unemployment benefits, strike benefits, social security and retire-

ment.] Payments made by an employer or labor union or elective contributions deemed to be made by an employer under a cafeteria plan qualifying under section 125 of the IRC (26 U.S.C.A. § 125) for a nondiscriminatory employe welfare benefit plan covering hospitalization, sickness, disability or death.

Example.

(i) P is a Philadelphia-based partnership that is engaged in providing accounting services. On a nondiscriminatory basis, it offers the following fringe benefits to both employes and partners of the firm:

(a) Blue Cross/Blue Shield medical coverage.

(b) Dental and eyeglass coverage with a deductible.

(c) Group term life insurance with coverage up to the equivalent of the employe's annual salary.

(ii) P pays the premiums on behalf of all employes and partners for all medical, dental, eyeglass and insurance coverage directly to the insurance carrier or benefit provider. P does not add the premium costs for the benefits to any employe's gross wages and it accounts for the benefit costs as nonsalary fringe benefit expenses. In other words, the value of the benefits are not shown as an addition to any employe's wages on the paystubs furnished to employes.

(iii) The plan is not a Federally qualifying cafeteria or flexible benefit plan.

(iv) Conclusion: For the employes of P (but not partners), the employer-provided hospitalization (Blue Cross/Blue Shield), eyeglass, dental coverage and group life insurance benefits are excludable from compensation and are therefore not subject to withholding.

\* \* \* \* \*

(9) Payments made by an employer or labor union for a collectively bargained for or nondiscriminatory supplemental unemployment benefit or strike benefit plan.

(10) Federally excludable no-additional-cost services, employe discounts, working condition fringes, qualified transportation fringes, and de minimis fringes or benefits provided for the convenience of the employer.

(11) Benefits realized from an employe's personal use, before January 1, 1998, of his employer's property or services.

\* \* \* \* \*

(e) Compensation paid in a medium other than cash shall be valued at its current market value. Compensation paid in the form of employer-provided coverage under an employe welfare benefit plan shall be valued at cost. The cost shall be the total amount of payment made during the year by the employer on account of the plan and plan participant, except in the following situations:

(1) In the case of tangible property owned or leased by the employer and personally used by a participant or beneficiary after December 31, 1997, the cost shall be its current fair rental value.

(2) In the case of self-insured insurance plans, the cost shall be the annual cost for financial accounting purposes.

(3) The amount of taxable compensation paid in the form of Federally taxable noncash fringe benefits shall be determined in the same manner as is prescribed by the Internal Revenue Service under Federal statutes and regulations.

(4) In the case of IRC section 125 cafeteria plans, amounts specified in the plan document as being available to the participant for the purpose of selecting or purchasing benefits, when so used, shall be included in the total amount of payment made during the year by the employer on account of the plan and plan participant.

(f) Stock options shall be considered to be received:

(1) When the option is exercised if the stock subject to the option is free from any restrictions having a significant effect on its market value.

(2) When the restrictions lapse if the stock subject to the option is subject to restrictions having a significant effect on its market value or when exchanged, sold or otherwise disposed of.

(g) The following rules apply if, under a cafeteria plan, plan participants may choose between benefits consisting of cash, additional paid vacation days and other benefits; or if, outside a cafeteria plan, plan participants can purchase additional paid vacation days:

(1) If additional paid vacation days are elected or purchased and they are used before the next calendar year, the following apply:

(i) The amount of cash foregone in exchange for the paid vacation day is excluded from income.

(ii) The vacation pay is includable in income when paid.

(2) If additional paid vacation days are purchased outside a Federally qualifying cafeteria plan and they are not used before the next calendar year, the amount of cash foregone in exchange for the paid vacation days is excludable for Pennsylvania Personal Income Tax purposes only if both of the following apply:

(i) The value of the vacation day cannot be cashed out or used for any other purpose.

(ii) The vacation day cannot be carried over to the next taxable year.

(3) *Example.*

(i) Under the Federally qualified cafeteria plan offered by F's employer, employees are provided with \$4,500 in benefit dollars that can be used to purchase benefits. If the employee wishes to purchase benefits which cost in excess of the employer-provided benefit dollars, the employee shall execute a salary reduction agreement. The cafeteria plan contains the following benefits:

<i>Item</i>	<i>Cost</i>
Medical/Accident Insurance	\$2,000 (individual) \$3,250 (family)
Life Insurance	\$ 150
Dependent Care	\$2,000
Additional Vacation Days	\$ 40/day
Cash	\$2,000 (cash limit)

(ii) F selects individual medical coverage, dependent care and purchases 3 additional paid vacation days for the 1997 taxable year. F's employer provides 2 weeks of paid vacation to all employees. The total cost of F's benefits is \$4,120 and, F received benefit dollars totaling \$4,500 from his employer.

(iii) During 1997, F uses his 2 weeks of vacation time and the 3 additional vacation days that he purchased under the cafeteria plan.

(iv) *Conclusion:* The employer is not required to withhold Personal Income Tax on \$2,000 which represents the employer-provided benefit dollars F used for medical/accident insurance, a nontaxable benefit. This amount is excludable from compensation even if F's employer shows or otherwise accounts for it as a periodic deduction from F's wages or a reduction of gross wages.

(v) The employer shall withhold tax on the employer-provided benefit dollars totaling \$2,380. This represents the amounts paid for dependent care (\$2,000) and the extra benefit dollars that were paid to F in the form of cash (\$380). However, the benefit dollars totaling \$120 that were used to purchase the extra paid vacation days are not subject to tax. F is taxed on the 3 paid vacation days when the days are used in 1997.

(h) Employer payments to reimburse employees for uninsured medical or dental expenses are taxable as compensation if the employee is assured of receiving (in cash or any other benefit) amounts available but unused for covered reimbursement during the year without regard to whether he incurred covered expenses or not. If the amounts available for covered reimbursement cannot be cashed out or used for any other purpose during the taxable year or be carried over to any other taxable year, normal cash compensation that is forgone by an employee under a spending account or otherwise, and credited to a self-insured medical reimbursement account and drawn upon to reimburse the employee for uninsured medical or dental expenses to which section 105(b) of the IRC (26 U.S.C.A. § 105(b)) applies is excludable from tax.

(i) After December 31, 1996:

(1) Payments made after December 31, 1996, for employee welfare benefit plans under a cafeteria plan qualifying under section 125 of the IRC will be deemed to be an "employer contribution" for Pennsylvania Personal Income Tax purposes if the following apply:

(i) They were not actually or constructively received, after taking section 125 of the IRC into account.

(ii) They were specified in a written cafeteria plan document as being available to the participant:

(A) For the purpose of selecting or purchasing benefits under a plan.

(B) As additional cash remuneration received in lieu of coverage under a plan.

(iii) The benefits selected or purchased are nontaxable under the IRC when offered under a cafeteria plan.

(iv) The payments made for the plan would be nontaxable under the Pennsylvania Personal Income Tax if made by the employer outside a cafeteria plan.

(2) If these conditions are satisfied, cafeteria plan contributions are taxed under the rules as apply to employer payments for employee welfare benefit plans. However, if the benefits are taxable for Federal Income Tax purposes when offered under a cafeteria plan, the payments will also constitute taxable compensation for Pennsylvania Personal Income Tax purposes. For example, coverage under a section 132(f) of the IRC (26 U.S.C.A. § 132(f)) transportation plan is nontaxable under the IRC when offered separately but is taxable for both Federal Income Tax and Pennsylvania Personal Income Tax purposes if offered under a cafeteria plan. Payments also will constitute taxable compensation if they would be taxable under the Pennsylvania Personal Income Tax if made by the employer outside a cafeteria plan. For example, although not taxable under the IRC, coverage under a dependent care plan would constitute taxable compensation under the Pennsylvania Personal Income Tax because it would be taxable if made by an employer outside a cafeteria plan.

(3) Examples are as follows:

**Example 1.** Under his employer's Federally qualifying cafeteria plan, A has the option of receiving his normal cash compensation or reducing his gross pay requirements and having the amount of that reduction applied by the employer toward health insurance in lieu of normal cash compensation payments. **Conclusion:** For Personal Income Tax purposes, A is taxable only if he opts to receive his normal cash compensation.

**Example 2.**

(i) Under the Federally qualifying cafeteria plan offered by B's employer, amounts are available as an addition to B's normal cash compensation which, at the option of B, are either applied by the employer toward providing day care facilities and services or paid directly to B in cash as additional gross pay. **Conclusions:** For Personal Income Tax purposes, the benefit selected by B is taxable if:

(A) He opts to receive the additional gross pay.

(B) The amount is applied in reimbursement of an expense B incurred for household or dependent care services.

(C) The amount is applied in discharge of a payment required from B for household or dependent care services.

(ii) B's benefits will also be subject to Personal Income Tax if he opts to receive employer-provided day care facilities and services after January 1, 1998.

**Example 3.**

(i) Under C's Federally qualifying cafeteria plan, amounts are available as an addition to C's normal cash compensation, which at the option of C, are either applied by the employer toward providing adoption assistance or paid directly to C in cash as additional gross pay.

(ii) **Conclusions:** For Personal Income Tax purposes, C is taxable if:

(A) He opts to receive the additional gross pay.

(B) The amount is applied in reimbursement of an adoption expense C incurred.

(C) The amount is applied in discharge of any payment required from C related to the adoption of a child.

**Example 4.**

(i) Under the Federally qualifying cafeteria plan of D's employer, each employee is provided with \$4,000 in flexible dollars that can be used to purchase certain benefits or which can be taken in cash in lieu of benefits. An individual who elects no benefits can receive cash only in an amount not exceeding \$2,000. An individual who elects benefits which have a total cost for the taxable year that does not equal or exceed \$4,000 shall allocate the flex dollars first to the selected benefits and any remaining flex dollars can be received as cash but only up to \$500. In addition, the plan specifies that the maximum amount that can be contributed by an employee as an elective contribution is \$2,500.

(ii) For the 1997 taxable year, D's employer offers the following benefits under its cafeteria plan:

Benefit	Cost	
	Individual	(Individual and Spouse)
Medical Insurance	\$2,500	\$4,000
Dental Plan	\$ 500	\$ 750
Group Life Insurance	\$ 500	\$ 750
Dismemberment/ Disability Insurance	\$ 500	\$ 750
Dependent Care Service	\$1,500	\$1,500
Cash	\$2,000	\$2,000

(iii) Employees who elect benefits with a total cost exceeding the allocated flex dollars (\$4,000) agree to have the necessary additional amounts deducted from their base salary or wages each payroll period during 1997 to pay for the benefits.

(iv) Employee D selects individual coverages under the medical insurance, the dental plan and group term life insurance and \$500 in cash for the 1997 taxable year. The total cost for these benefits is \$3,500.

(v) **Conclusions:** The \$3,500 of employer-provided flex dollars used to purchase nontaxable benefits are not compensation and are not subject to withholding notwithstanding that D could have applied the flex dollars toward dependent care (a taxable benefit) or taken the benefits in the form of cash up to \$2,000. The \$500 D received as cash in lieu of benefits under the cafeteria plan is taxable compensation.

**Example 5.** Assume the same facts as in Example 4, except that Employee D is married and selects the following benefits for both his spouse and himself: 1) medical insurance; 2) dental; 3) group life insurance; and 4) dismemberment/disability insurance. **Conclusions:** For D, the employer is not required to

withhold Pennsylvania Personal Income Tax on the flexible dollars totaling \$4,000. Because the total cost of benefits selected by D is \$6,250 and the employer-provided flexible dollars (\$4,000) are insufficient to pay for all of the benefits, D agrees to have additional sums deducted from his salary. D's employer pays him biweekly and the employer must deduct an amount totaling \$86.54 ( $\$86.54 \times 26$  pay periods = \$2,250) from D's biweekly salary to pay for the benefits. The \$86.54 deducted from the salary of D each payroll period, which totals \$2,250 for the calendar year, is not subject to Pennsylvania Personal Income Tax and withholding.

**Example 6.**

(i) Assume that E's employer offers a Federally qualified flexible benefits plan under which an employe is required to select some level of medical coverage unless the employe can provide the company's benefits administrator with proof of coverage under another medical insurance plan, for example that of a spouse's employer. The monthly benefit is based upon the number of family members whom the employe chooses to cover under a medical plan. The flexible benefits plan contains the following features:

**Flex Dollars to Purchase Benefits**

<i>If you elect this Coverage:</i>	<i>You receive this number of Flex Dollars each month</i>
Employe Only	\$152.44
Employe + Children	\$247.44
Employe + Spouse	\$298.80
Employe + Family	\$395.56

**Medical Plan Features**

	<i>Plan A</i>	<i>Plan B</i>
Deductible Per Person/Family	\$150/\$300	\$500/\$1,000
Per Year		
What the Plan Pays		
Network Provider/Other Provider	90%/75%	80%
Out-of-Pocket Maximum (not including deductible) Per Family Unit Per Year	\$1,150/\$2,875	\$5,500
Network Provider/Other Provider		
Accident Coverage	\$500	\$300
Well Baby Care	Yes	No

**1. Medical Plan Prices and Election**

	<i>Plan A</i>	<i>Plan B</i>
Employe Only	\$168.94	\$142.34
(Your cost/extra pay)	(-\$16.50)	(+\$10.10)
Employe + Children	\$280.94	\$237.34
(Your cost/extra pay)	(-\$33.50)	(+\$10.10)
Employe + Spouse	\$339.30	\$288.70
(Your cost/extra pay)	(-\$40.50)	(+\$10.10)
Employe + Family	\$452.51	\$385.46
(Your cost/extra pay)	(-\$56.95)	(+\$10.10)

**2. Dental Election/Flex Dollars**

	<i>What You Pay</i>
Basic Plan Coverage	\$ 0.00
Optional Plan Coverage	
Employe Only	\$ 6.02
Employe + Children	\$11.56
Employe + Spouse	\$11.33
Employe + Family	\$18.12

**3. Vision Features Prices and Election**

	<i>What You Pay</i>
Employe Only	\$ 6.30
Employe + Family	\$13.86
No coverage	\$ 0.00

**4. Spending Accounts Health Care Account Election**

You may deposit from \$10 to \$208.33 per month in this Account Dependent Care Account Election (Child Care or Elder Care) You may deposit from \$10 to \$416.66 per month to this Account if you are single or married.

**5. Life Insurance Prices and Election**

	<i>What You Pay</i>
Basic coverage only	\$ 0.00
<b>Additional Life</b>	
1x base annual pay	\$ 5
2x base annual pay	\$10
3x base annual pay	\$15

**6. Dependent Life Prices and Election**

	<i>What You Pay</i>
\$10,000 spouse/\$5,000 child	\$1.49
\$20,000 spouse/\$5,000 child	\$2.34
No coverage	\$0.00

(ii) Under the plan, the maximum amount available as elective contributions is \$20,000.

(iii) E is married and has one child. E receives flex dollars totaling \$395.56 each month or ( $\$395.56 \times 12$  mo. = \$4,746.72 annually). E elects the following benefits:

<i>Benefit</i>	<i>Option</i>	<i>Monthly Cost</i>
Medical	Plan A	\$452.51
Dental	Employee & Family	\$ 18.12
Life Insurance	Basic Coverage Only	\$ 0.00

(v) **Conclusion:** Because E selected excludable benefits for Pennsylvania Personal Income Tax purposes, the monthly, employer-provided flex dollars in the amount of \$395.56 are not subject to tax or withholding. The monthly flex dollars are not subject to tax or withholding irrespective of whether they are added to E's salary or shown as a deduction from his gross pay on each pay stub.

(vi) Because the total monthly cost of the benefits selected is \$470.63 and the allotted flex dollars are

\$395.56, E makes up the difference by agreeing to have the additional necessary funds (\$75.07) deducted from his pay each month as an elective contribution. The \$75.07 is excludable from tax because:

(A) It was not actually or constructively received by E, after taking section 125 of the IRC into account.

(B) It was specified in a written cafeteria plan document as being available to E for the purpose of selecting or purchasing benefits under the plan and as additional cash remuneration received in lieu of coverage under the plan.

(C) The benefits selected or purchased are nontaxable under the IRC when offered under a cafeteria plan.

(D) The payments made for the plan would be nontaxable under the Pennsylvania Personal Income Tax if made by the employer outside a cafeteria plan.

*Example 7.* Assume that the employer offers the same flexible benefits plan as in Example 6, except that employe E is a single individual with no dependents and he selects the least expensive medical plan for a single individual, Plan B. E places the leftover flex dollars into the spending account to help defer the cost of medical expenses not paid for by Plan B. Under the flexible benefits plan, E may not withdraw funds from the spending account for any purpose other than to pay for uninsured medical expenses. If E does not utilize the amounts placed into the spending account during the calendar year, he forfeits the benefits. *Conclusion:* The flex dollars totaling \$152.44, which includes the monthly contribution of \$10.10 to the spending account, are not subject to tax or withholding.

*Example 8.*

(i) Assume that the employer offers the same flexible benefits plan as in Example 6, except that employe E has a husband and two children. E's husband, but not the children, is covered under the husband's employer's health insurance plan. E receives monthly flex dollars for herself and children (\$247.44) and selects the following items under the employer's plan:

<i>Benefit</i>	<i>Option</i>	<i>Cost (monthly)</i>
Medical	Plan B	\$237.34
	Employe & Children	
Dental	Employe & Children	\$ 11.56
Vision	Employe Only	\$ 6.30
Dependent Life	\$10,000 spouse/ \$ 5,000 child	\$ 1.49

(ii) *Conclusion:* The employer-provided flex dollars in the amount of \$247.44 are not subject to tax because E selected medical insurance coverage and dental coverage for herself and the children and the cost of these benefits exceeded the amount of employer-provided flex dollars.

(iii) E shall contribute the sum of \$9.25 each month toward the purchase of benefits not paid for the employer-provided flex dollars. Therefore, \$7.76 of the \$9.25 monthly contribution is excludable from tax because:

(A) It was not actually or constructively received by E, after taking section 125 of the IRC into account.

(B) It was specified in a written cafeteria plan document as being available to the participant for the purpose of selecting or purchasing benefits under the plan and as additional cash remuneration received in lieu of coverage under the plan.

(C) The benefits selected or purchased are nontaxable under the IRC when offered under a cafeteria plan.

(D) The payments made for the plan would be nontaxable under the Pennsylvania Personal Income Tax if made by the employer outside a cafeteria plan. However, the dependent life insurance coverage would be taxable as a currently taxable benefit treated as cash for both Federal Income Tax and Pennsylvania Personal Income Tax purposes when offered under a cafeteria plan. Thus, the \$1.49 monthly cost would be taxable even if it had been paid by E's employer.

(j) Compensation includes the entire cost of employer-provided coverage provided to a highly compensated participant under any discriminatory employe welfare benefit plan.

(k) Contributions made by an employer for IRC 401(k) plans under a cafeteria plan under which the employe unilaterally may elect to have the employer either make the payments as contributions to a 401(k) plan or other plan on behalf of the employe or to the employe directly in cash are not excludable from the employe's taxable compensation.

§ 101.7. Receipt of income.

\* \* \* \* \*

(e) *Present economic benefit.* An amount paid as a contribution shall be considered as received when an employe receives rights, such as coverage under an employe benefit plan that are the following:

(1) Of a value which can in no event fall materially below the amount of the contribution.

(2) Presently belong to the employe.

(3) Unequivocally provided for the ultimate benefit of the employe under whatever contingency and whatever circumstance the occasion for the benefit should arise.

(f) *Wage and salary deductions; taxability.* Any amount lawfully deducted and withheld by an employer from the remuneration of an employe and accounted for as a part of the employe's total remuneration shall be considered to have been paid to the employe as taxable compensation at the time the deduction is made unless the amount is specified in a written cafeteria plan document as being available to the participant for the purpose of selecting or purchasing benefits under a plan or as additional cash remuneration received in lieu of coverage under a plan. Whether an amount is specified in a cafeteria plan document as being available to a participant shall be determined using Federal rules.

*Example.*

(i) Employer M is a manufacturing company situated in this Commonwealth and under its collective

**bargaining agreement with a union, all nonmanagement personnel contribute \$15 per week from their gross salary toward the purchase of Blue Cross/Blue Shield coverage and \$3 per week toward the purchase of group life insurance.**

**(ii) The plan is not a Federally qualifying cafeteria plan.**

**(iii) Conclusion: M shall withhold Pennsylvania Personal Income Tax from the \$18 contributed by each nonmanagement employe toward benefits.**

[Pa.B. Doc. No. 98-631. Filed for public inspection April 24, 1998, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 109]

### Personal Watercraft

The Fish and Boat Commission (Commission) proposes to amend § 109.3 (relating to personal watercraft). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment relates to the operation of personal watercraft (PWC).

#### A. *Effective Date*

This proposed amendments will, if approved on final rulemaking, go into effect upon publication of an order adopting the amendment.

#### B. *Contact Person*

For further information on the proposed change, contact Laurie E. Shepler, Assistant Counsel (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

#### C. *Statutory Authority*

This proposed amendment is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

#### D. *Purpose and Background*

The proposed amendment is designed to update, modify and improve Commission regulations pertaining to boating. The specific purpose of the proposed amendment is described in more detail under the Summary of Proposal of this Preamble. Prior to consideration by the Commission, the Commission's Boating Advisory Board (Board) considered the proposed amendment and recommended adoption by the Commission.

#### E. *Summary of Proposal*

PWCs are the fastest growing segment of recreational boating in this Commonwealth. In 1997, the Commission registered about 21,000 PWCs, about 6% of the total number of boats. It is projected that by the year 2000, there will be over 23,000 registered PWCs in this Commonwealth.

The PWC operators are involved in a disproportionate number of boating accidents. In 1996, one third of all reported boating accidents involved at least one PWC, and 61% of all reported collisions between boats involved

at least one PWC. Collisions are the most common type of accident reported, and they are usually caused by the operator not keeping a proper lookout or operating the boat in a reckless manner. Many of the accidents are caused by people new to PWC operation, and nearly all of these accidents are avoidable.

Some PWC operators do not seem to realize that they are operating boats when they operate PWCs. Some do not appear to understand that PWC operators must follow the same laws and regulations as other power boaters. As a result, a disproportionate number of boating regulation violations are by PWC operators. At a recent Commission meeting, over half of all proposed revocations of boating privileges that were considered were for violations by operators of PWC. The majority of the violations were for negligent operation of watercraft. In addition, a high percentage of complaints relate to actual or perceived PWC operational deficiencies. A number of the complaints concern noise issues which, although usually not a violation of Commission regulations, could be avoided if the PWC operator understood ethical operation of these watercraft. Many of the complaints pertain to wake violations and reckless operation.

Boating ethics are an important part of PWC operation that all operators must understand to reduce conflicts on waters of this Commonwealth. Courtesy toward others on the water and people living along the shore cannot be overemphasized. Inconsiderate PWC operators prevent others from enjoying the same rights as they do. Spraying someone on shore, jumping another boat's wake too closely or riding near someone who is fishing have created hard feelings. Once negative opinions are formed, they are difficult to change. "Perception" of wrong doing can be just as strong as actually doing something wrong. PWC operators must be responsible and understand how their activity is being viewed by others.

If everyone who operates a PWC (or any boat for that matter) took a boating course, there would still be some accidents and conflicts. However, there is no question that the information that operators learn in an approved boating course provides operators with information that they would not learn on their own. Presumably, this education will give the operator information that will result in proper boating procedures and ethics. States, such as Connecticut, have indicated that they have had a proportional drop in accidents once they initiated mandatory boating education. Therefore, the Commission proposes to institute a mandatory education program for operators of PWCs and to amend its regulations to provide that effective January 1, 2000, a person may not operate a PWC on the waters of this Commonwealth unless that individual has obtained a Boating Safety Education Certificate.

#### F. *Paperwork*

The proposed amendment will increase paperwork and will create new paperwork requirements in that, after January 1, 2000, all persons who wish to operate a PWC on Commonwealth waters will need to complete an appropriate boating safety course and receive a certification of completion of the course. The Commission's estimates that there are about 60,000 operators of PWC. They will need to complete a safe boating course and apply for and receive a safe boating certificate prior to January 1, 2000. After the initial response to the training requirement, the Commission estimates that about 20,000 operators of PWC will seek certification each year. In addition to this paperwork requirement, enforcement of this regulation may result in an increase of applications

for duplicate or replacement boating safety certificates, which will have to be carried by operators of PWCs.

G. *Fiscal Impact*

The proposed amendment will have no adverse fiscal impact on political subdivisions. The proposed amendment will impose some new costs on the Commonwealth, acting through the Commission. Conducting additional boating safety courses will result in some additional costs for time and materials. Many of these courses are conducted by Commission volunteers as well as the United States Coast Guard Auxiliary and the United States Power Squadron, but there will be some additional costs for administrative functions related to the increased number of persons completing boating safety courses, as well as overtime for instructors. We estimate that the additional personnel costs should total about \$25,000 per year from the Boat Fund for FY 98-99 and FY 99-2000. After the initial response to the training requirements, the annual additional personnel costs should be about \$10,000 per year. The additional costs for course materials will total about \$7,500 per year for FY 98-99 and FY 99-2000 and \$5,000 per year thereafter. In addition, issuance of approximately 50,000 additional boating safety certificates will impose additional costs of about \$20,000 in FY 98-99 and \$30,000 in FY 99-2000. Thereafter, the cost of printing, issuing and distributing certificates should level off at about \$15,000 per year. All the costs described previously will be paid from the Boat Fund, a special fund administered by the Commission.

The proposed amendment will also impose additional costs on the private sector. Although the number of power boats registered as rental boats by boat liveries totals only about 100 in the entire Commonwealth, those businesses that rent PWCs will face a reduction in business at least in the initial stages of implementation of the mandatory education requirement. If a person cannot rent a PWC unless the person has first completed a boating safety course, some potential customers may be discouraged from renting the watercraft.

The proposed amendment will impose additional costs on the general public. Many boating safety courses are free, but some providers do charge a fee to take a course. It is expected that the private sector (community colleges, private schools, and the like) will come forward to meet some of the demand for boating safety courses and that these costs will be passed on to the members of the general public who take a course.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed

amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 60 days of publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at regulations@fish.state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-78. (1) Boat Fund; (2) Implementing Year 1998-99 is \$52,500; (3) 1st Succeeding Year 1999-00 is \$62,500; 2nd Succeeding Year 2000-01 is \$30,000; 3rd Succeeding Year 2001-02 is \$30,000; 4th Succeeding Year 2002-03 is \$30,000; 5th Succeeding Year 2003-04 is \$30,000; (4) Fiscal Year 1997-98\$N/A; Fiscal Year 1996-97\$N/A; Fiscal Year 1995-96\$N/A; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES**

**§ 109.3. Personal watercraft.**

\* \* \* \* \*

(h) [ **A person 15 years of age or younger may not operate a personal watercraft on the waters of this Commonwealth, except a person 12 to 15 years of age may operate a personal watercraft if there is a person at least 18 years of age on board the personal watercraft or if the person operating the personal watercraft has obtained a boating safety certificate issued or recognized by the Commission and there are no passengers on board the personal watercraft.** ] Effective January 1, 2000, a person may not operate a personal watercraft on the waters of this Commonwealth unless the person has obtained a Boating Safety Education Certificate as defined in § 91.6 (relating to certificates).

[Pa.B. Doc. No. 98-632. Filed for public inspection April 24, 1998, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 10—BANKS AND BANKING

### DEPARTMENT OF BANKING

[10 PA. CODE CH. 41]

#### Consumer Discount Company Act—Statement of Policy

The Department of Banking (Department), under the authority contained in section 12 of the Consumer Discount Company Act (CDCA) (7 P. S. § 6212) amends the statement of policy to the CDCA codified in § 41.3a (relating to calculation of default charges—statement of policy). The amendment to § 41.3a will implement the act of July 2, 1996 (P. L. 490, No. 80) (Act 80).

#### *Purpose*

The purpose of the revisions to § 41.3a is to eliminate any discrepancy between the CDCA and the statement of policy.

#### *Explanation of Statement of Policy*

Act 80 amended the CDCA to permit a licensed consumer discount company to charge a delinquency fee of \$20 or 10% of each payment, whichever is higher, which is in default for more than 15 days on interest-bearing closed end or revolving loan accounts. The revision seeks to remove any discrepancy between the CDCA and § 41.3a as a result of the amendments to the CDCA in Act 80. Thus, the revision amends § 41.3a by making a technical amendment to the statement of policy. The revision adds language to § 41.3a(a) thereby clarifying that the section applies only to default charges on precomputed loans as authorized in section 13.K of the CDCA (7 P. S. § 6213K.).

#### *Entities Affected*

The statement of policy will affect 76 licensed Commonwealth consumer discount companies, as well as any State or Federally-chartered banks or savings associations which originate loans under the CDCA. The statement of policy also conforms to the liberalized statutory requirements under which a licensed consumer discount company can extend credit to a consumer.

#### *Cost and Paperwork Requirements*

This statement of policy will impose no additional paperwork or costs to the Commonwealth, the Depart-

ment or any political subdivision of this Commonwealth. The statement of policy also will not impose any additional costs or paperwork requirements upon the regulated community.

#### *Effectiveness/Sunset Date*

The effective date of this statement of policy is immediately upon publication in the *Pennsylvania Bulletin*.

*(Editor's Note: The regulations of the Department of Banking are amended by amending a statement of policy at 10 Pa. Code § 41.3a to read as set forth in Annex A, with ellipses referring to the existing text of the statement of policy).*

RICHARD RISHEL,  
*Secretary*

**Fiscal Note:** 3-37. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 10. BANKS AND BANKING

#### PART IV. BUREAU OF CONSUMER CREDIT AGENCIES

#### CHAPTER 41. CONSUMER DISCOUNT COMPANIES

#### § 41.3a. Calculation of default charges—statement of policy.

(a) This section applies only to default charges on precomputed loans as authorized in section 13.K of the act (7 P. S. § 6313K.). Refer to § 41.3(d)(relating to contracts with consumers) for information on default. Default charges will be calculated as follows:

(1) The act provides for the collection of a default charge (sometimes referred to as a "late" charge) for two types of contracts:

- (i) A loan payable in one payment.
- (ii) A loan payable in installments.

(2) The monthly rate is applied to the contract amount in arrears. Assessing the charge on the amount in arrears clearly means assessing the charge on the total amount past due.

\* \* \* \* \*

[Pa.B. Doc. No. 98-633. Filed for public inspection April 24, 1998, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-8-98	Dauphin Bancorp, Inc., Harrisburg, To acquire up to 39.16% of the voting shares of The First National Bank of Liverpool, Liverpool	Harrisburg	Filed
4-9-98	BCB Financial Services Corporation, Reading, and Heritage Bancorp, Inc., Pottsville, to be acquired by Main Street Bancorp, Inc., Reading	Reading	Approved
4-14-98	First Union Corporation, Charlotte, North Carolina, to acquire 100% of the voting shares of CoreStates Financial Corp., Philadelphia, Pennsylvania	Charlotte, NC	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-8-98	Three Rivers Bank and Trust Company Jefferson Borough Allegheny	Jefferson Borough	Approved
	Purchase of Assets/Assumption of Liabilities of two branch Offices of National City Bank of Pa., Pittsburgh, located at:  600 East Ohio Street Pittsburgh Allegheny County	823 Braddock Avenue Braddock Allegheny County	

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-13-98	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Ivy Ridge Shopping Center 7124 Ridge Pike Philadelphia Philadelphia County	Filed
4-13-98	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Oaklands Corporate Center Campbell Boulevard and John Young Way Exton Chester County	Filed
4-13-98	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	Lot Number 202 in the A&R Plan of Lots Number 3 North Fayette Township Allegheny County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-14-98	United Asian Bank Philadelphia Philadelphia County	To provide for a change in corporate title to "Asian Bank," and for the addition of four Directors.	Approved and Effective

**Voluntary Liquidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
4-13-98	Butler Wick Trust Company Sharon Mercer County	Certificate of election for voluntary dissolution filed. Effective as of opening of business April 13, 1998.

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-634. Filed for public inspection April 24, 1998, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Franklin and Marshall College for Approval of Amendment of Articles of Incorporation

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Franklin and Marshall for a Certificate of Authority approving the institution's request for amendment of its Articles of Incorporation that will add a new Section 16 as required by Act 55 of 1997, The Institutions of Purely Public Charity Act.

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

protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

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

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

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 98-635. Filed for public inspection April 24, 1998, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards

and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

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

**PA 0057363.** Sewage, **ARCCA Real Estate Corporation**, 2288 Second Street Pike, Penns Park, PA 18943.

This application is for issuance of an NPDES permit to discharge treated sewage from a sewage treatment plant in Wrightstown Township, **Bucks County**. This is a new discharge to dry swale to Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 2,000 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)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	0.5	1.3
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0035769.** Industrial waste, **Moyer Packing Company**, P. O. Box 395, Souderton, PA 18964-0395.

This application is for renewal of an NPDES permit to discharge treated process wastewater and stormwater from an industrial wastewater treatment plant located in Franconia Township, **Montgomery County**. This is an existing discharge to Skippack Creek and unnamed tributary to Skippack Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 750,000 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	20	25
(11-1 to 4-30)	20	40	50
Suspended Solids	30	60	75
Ammonia as N			
(5-1 to 10-31)	1.2	2.4	3.0
(11-1 to 4-30)	3.6	7.2	9.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus as P (4-1 to 10-31)	0.8	1.6	2.0
Oil and Grease	15	25	30
Total Residual Chlorine (1st month to 12th month)	1.0		2.34
(13th month to 60th month)	0.024		0.094
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Osmotic Pressure	90 milliosmoles/Kg as a maximum daily		
pH	within limits of 6.0—9.0 standard units at all times		

*Other Conditions:*

The EPA waiver is in effect.

Permission to discharge stormwater associated with industrial activities through Outfalls 002 and 003.

Monitoring Requirements at monitoring point 101 for stormwater from northwest of rendering facility.

*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.*

**PA 0063771.** Sewerage, **New Milford Municipal Authority**, P. O. Box 1111, New Milford, PA 18834.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Martin's Creek in New Milford Township, **Susquehanna County**.

The receiving stream is classified for the following uses: cold 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 downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Authority on the Susquehanna River.

The proposed effluent limits for Outfall 001, based on a design flow of 0.250 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.0	2.0

The EPA waiver is in effect.

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

**PA 0008265, Amendment No. 2.** Industrial waste, SIC: 2611 and 2621, **Appleton Papers, Inc.**, P. O. Box 359, Appleton, Wisconsin 54912-0359.

This application is for amendment of an NPDES permit for an existing discharge of treated industrial waste to Frankstown Branch, in Blair Township, **Blair 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 United Water Company located near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.84 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Arsenic			effluent limitation is deleted
Total Residual Chlorine			effluent limitation is deleted

Additional requirements are the submission of an annual temperature report and completion of Phase II of a Toxics Reduction Evaluation.

The EPA waiver is not in effect.

**PA 0038415.** Sewage, SIC: 4952, **East Pennsboro Township Board of Commissioners**, c/o Robert L. Gill, Manager, 98 South Enola Drive, Enola, PA 17025.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Conodoguinet Creek, in East Pennsboro Township, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 3.70 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5	1.6

The EPA waiver is not in effect.

**PA 0051781.** Industrial waste, SIC: 4941, **Reading Area Water Authority**, 815 Washington Street, Reading, PA 19601.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Maiden Creek, in Ontelaunee Township, **Berks County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 2.76 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	60.0	75.0
pH		6.0—9.0 at all times	
TRC			
(Interim)	monitor and report	monitor and report	
(Final)	0.69		2.2
Total Aluminum	4.0	8.0	10.0
Total Manganese	1.0	2.0	2.5
Total Iron	2.0	4.0	5.0

The proposed effluent limits for Outfall 002 for a design flow of 0.26 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	60.0	75.0
pH		6.0—9.0 at all times	
TRC			
(Interim)	monitor and report	monitor and report	
(Final)	0.69		2.2
Oil and Grease	15		30

The EPA waiver is in effect.

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

**PA 0091685.** Industrial waste, SIC: 4953, **USX Corporation**, 600 Grant Street, Pittsburgh, PA 15230.

This is for revocation and reissuance of an NPDES permit to discharge treated hazardous leachate, untreated residual leachate and acid mine drainage to the South Sewer Treatment Plant and untreated stormwater and leachate from Taylor Industrial Landfill in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the South Sewer Treatment Plant (SSTP) at the Irvin Works and an unnamed tributary to Streets Run 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 Pennsylvania American Water Company, located at 7.2 miles below the discharge point.

*Outfall 103:* existing discharge, design flow of 0.032 mgd discharge to Irvin Works (SSTP)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			12	15	
Oil and Grease			10	10	30

## NOTICES

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum			2.71	6.11	
Iron			1.5	3.0	
Manganese			0.23	0.30	
Cadmium			0.08	0.2	
Chromium (hex)			monitor and report		
(total)			0.15	0.37	
Lead			0.13	0.28	
Copper			0.61	1.28	
Selenium			0.37	0.82	
Beryllium			0.34	0.82	
Silver			0.12	0.29	
Zinc			0.42	1.02	
Cyanide (total)			2.0	4.0	
(free)			monitor/report		
Phenols			monitor/report		
Acrylonitrile			monitor/report		
Benzo(a)Pyrene			monitor/report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 203:* 0.25 mgd discharge to Irvin Works (SSTP)

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			monitor/report		
Oil and Grease			monitor/report		
Aluminum			monitor/report		
Iron			monitor/report		
Manganese			monitor/report		
Cadmium			monitor/report		
Chromium (hex)			monitor/report		
(total)			monitor/report		
Lead			monitor/report		
Copper			monitor/report		
Selenium			monitor/report		
Beryllium			monitor/report		
Silver			monitor/report		
Zinc			monitor/report		
Cyanide (total)			monitor/report		
(free)			monitor/report		
Phenols			monitor/report		
Acrylonitrile			monitor/report		
Benzo(a)Pyrene			monitor/report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall SPN17:* existing discharge, design flow of 0.02 mgd to an unnamed tributary of Streets Run.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30	60	
Oil and Grease			15		30
Aluminum			0.5	1.0	1.25
Iron					
(total)			1.5	3.0	3.75
(dissolved)			0.3	0.6	0.75
Manganese			1.0	2.0	2.5
Cadmium			0.001	0.002	0.0025
Silver			0.0008	0.0016	0.002
Cyanide, free			0.005	0.01	0.0125
Lead			0.003	0.006	0.0075
Beryllium			not detectable using EPA Method 210.2		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Benzo(a)Pyrene			0.000004	0.000008	0.00001
Antimony			0.01	0.02	0.025
Arsenic			0.05	0.10	0.125
Chromium, hex			0.01	0.02	0.025
Copper			0.01	0.02	0.025
Mercury			0.000012	0.000024	0.00003
Selenium			0.005	0.01	0.0125
Thallium			0.002	0.004	0.005
Fluoride			1.37	2.74	3.4
Cobalt			0.02	0.04	3.4
Sulfate				monitor and report	
TDS				monitor and report	
Osmotic Pressure (mos/kg)			50	100	125
pH	not less than 6.0 nor greater than 9.0				

Outfall SPN18: existing discharge, design flow of 0.1 mgd to an unnamed tributary of Streets Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30	60	
Oil and Grease			15		30
Aluminum			0.5	1.0	1.25
Iron					
(total)			1.5	3.0	3.75
(dissolved)			0.3	0.6	0.75
Manganese			1.0	2.0	2.5
Cadmium			0.001	0.002	0.0025
Silver			0.0008	0.0016	0.002
Cyanide, free			0.005	0.01	0.0125
Lead			0.003	0.006	0.0075
Beryllium				not detectable using EPA Method	210.2
Benzo(a)Pyrene			0.000004	0.000008	0.00001
Antimony			0.01	0.02	0.025
Arsenic			0.05	0.10	0.125
Chromium, hex			0.01	0.02	0.025
Copper			0.01	0.02	0.025
Mercury			0.000012	0.000024	0.00003
Selenium			0.005	0.01	0.0125
Thallium			0.002	0.004	0.005
Fluoride			1.37	2.74	3.4
Cobalt			0.02	0.04	3.4
Sulfate				monitor and report	
TDS				monitor and report	
Osmotic Pressure (mos/kg)			50	100	125
pH	not less than 6.0 nor greater than 9.0				

Outfall 004: existing discharge to an unnamed tributary to Streets Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist solely of stormwater runoff.					
Aluminum				monitor/report	
Iron				monitor/report	
Manganese				monitor/report	
Cyanide				monitor/report	
Zinc				monitor/report	

Outfall 005: existing discharge to an unnamed tributary to Streets Run.



Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist solely of stormwater runoff.					
Aluminum				monitor/report	
Iron				monitor/report	
Manganese				monitor/report	
Cyanide				monitor/report	
Zinc				monitor/report	

*Outfall 006:* existing discharge to an unnamed tributary to Streets Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist solely of stormwater runoff.					
Aluminum				monitor/report	
Iron				monitor/report	
Manganese				monitor/report	
Cyanide				monitor/report	
Zinc				monitor/report	

The EPA waiver is in effect.

**PA 0205800.** Industrial waste, SIC: 4941, **Southwestern Pennsylvania Water Authority**, P. O. Box 1887, Jefferson, PA 15344.

This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from Southwestern Pennsylvania Water Treatment Plant in Cumberland Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Tri County Joint Municipal Authority, located 6.54 miles below the discharge point.

*Internal Monitoring Point 101:* existing discharge, design flow of 0.2867 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine (1st month—36th month)			monitor and report		
(37th month—expiration)			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

*Outfall 001:* existing discharge, to the Monongahela River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall solely consist of sources monitored at Internal Monitoring Point 101 and uncontaminated stormwater runoff from plant area.					

**PA 0217751.** Industrial waste, SIC: 4941, **Borough of Sewickley Water Authority**, P. O. Box 190, Sewickley, PA 15143.

This application is for issuance of an NPDES permit to discharge treated process water from water treatment plant operations in Sewickley Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, tributary of the Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The

first existing/proposed downstream potable water supply (PWS) is the ARCO Chemical Company, located at Monaca, 18.4 miles below the discharge point.

*Outfall 001:* new discharge, design flow of 0.171 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor/report				
TSS			30		60
Cadmium			0.001		0.002
Lead			0.003		0.006
Aluminum			0.54		1.08
Total Iron			1.6		3.2
Manganese			1.0		2.0
TRC			0.05		0.10
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA 0038164.** Sewage, **Borough of Confluence, Community Center**, P. O. Box 6, Confluence, PA 15424.

This application is for renewal of an NPDES permit to discharge treated sewage from the Borough of Confluence Sewage Treatment Plant in Confluence Borough, **Somerset County**.

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

*Outfall 001:* existing discharge, design flow of .137 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 Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0204960.** Sewage, **Briselli, Incorporated**, Cecil-Hendersonville Road, P. O. Box 35A, Hendersonville, PA 15339.

This application is for renewal of an NPDES permit to discharge treated sewage from Big Jim's Roadhouse STP in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as McPherson 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 West View Municipal Authority.

*Outfall 001:* existing discharge, design flow of 0.002 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>	20			40
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2			4
(11-1 to 4-30)	6			12
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0205176.** Sewage, **Consolidated Steel Services, Inc.**, P. O. Box 285, Cresson, PA 16630.

This application is for renewal of an NPDES permit to discharge treated sewage from Consolidated Steel Services, Inc. Sewage Treatment Plant in Reade Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. There are no known downstream potable water supply intakes from this facility within 50 miles.

*Outfall 001:* existing discharge, design flow of 0.005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	30,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0222399, Amendment No. 1.** Industrial waste, SIC: 4151, **Decker Transportation, Inc.**, R. D. 3230, Route 957, Russel, PA 16345.

This application is an amendment of the NPDES permit, to discharge industrial waste to an unnamed tributary to Kiantone Creek in Farmington Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 138 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.0186 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Oil and Grease	15		30
CBOD <sub>5</sub>	50		100
Dissolved Oxygen	minimum 3.0 mg/l at all times		
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0210781.** Sewage. **Hamlin Township**, R. D. 1, Box 185A, Kane, PA 16735.

This application is for renewal of an NPDES permit to discharge treated sewage to the Marvin Creek in Hamlin Township, **McKean County**. This is an existing discharge.

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

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.05 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Fecal Coliform			
(5-1 to 9-30)	200/100 ml		
(10-1 to 4-30)	30,900/100 ml		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0005860, Amendment No. 2.** Industrial waste and stormwater, SIC: 2022, **Farmers Dairy Foods, Inc., Farmers Cheese Division**, R. R. 1, Box 111B, New Wilmington, PA 16142.

This application is for an amendment to an NPDES permit, to discharge uncontaminated stormwater to an unnamed tributary to Buchanan Run in Wilmington Township, **Lawrence County**. This is a new discharge.

The receiving water is classified for the following uses: WWF, aquatic life, water supply and recreation.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			XX
Chemical Oxygen Demand			XX
Oil and Grease			XX
pH			XX
Total Suspended Solids			XX
Total Kjeldahl Nitrogen			XX
Total Phosphorous			XX
Fecal Coliforms			XX
Dissolved Iron			XX

The EPA waiver is in effect.

**PA 0102997.** Industrial waste, SIC: 3398, **Advanced Heat Treating, Inc.**, Trout Run Road, St. Marys, PA 15857.

This application is for renewal of an NPDES permit, to discharge noncontact cooling water to an unnamed tributary to Elk Creek in St. Marys, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA American Water Company on the Clarion River located at Clarion.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.012 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitoring only	
Oil and Grease	15		30
Temperature**	<i>Daily Average</i>		
January 1—31	67°F		
February 1—29	60°F		
March 1—31	64°F		
April 1—15	62°F		
April 16—30	60°F		
May 1—15	63°F		
May 16—31	67°F		
October 1—15	63°F		
October 16—31	59°F		
November 1—15	54°F		
November 16—30	56°F		
pH	between 6—9 at all times		

The EPA waiver is in effect.

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

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). 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 Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0081973	Autumn Estate R. D. 1 Box 605, Hollidaysburg, PA 16648	Blair Blair Twshp.	Frankstown Branch of Juniata River	TRC

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

**Applications under the Pennsylvania Clean Streams Law**

**(Part II Permits)**

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

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

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

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

**A. 6791415, (98-1).** Sewage, amendment submitted by **Hollis McKinney (Noss Village Mobile Home Park)**, R. D. 10, Box 146, York, PA 17404 in North Codorus

Township, **York County** to construct a sand filter was received in the Southcentral Region on April 2, 1998.

**A. 2898401.** Sewage, submitted by **Metal Township Municipal Authority**, P. O. Box 216, Willow Hill, PA 17271 in Metal Township, **Franklin County** to construct the Fannettsburg Area Wastewater Reclamation and Re-use Project was received in the Southcentral Region on April 3, 1998.

**A. 0698402.** Sewage, submitted by **Amity Township**, 2004 Weavertown Road, Douglasville, PA 19578 in Amity Township, **Berks County** to construct a sewer extension and pump station to serve the Woods Edge (Phase 2 and 3) Development was received in the Southcentral Region on April 9, 1998.

**A. 5098403.** Sewage, submitted by **Bloomfield Borough Council**, P. O. Box 144, New Bloomfield, PA 17068 in New Bloomfield Borough, **Perry County** to upgrade and expand their wastewater treatment plant was received in the Southcentral Region on April 9, 1998.

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

**WQM Permit No. 2498202, Amendment.** Industrial waste. **Superior Greentree Landfill**, 635 Toby Road, Kersey, PA 15846. This project is for the construction of a wastewater pretreatment system in Fox Township, **Elk County**.

**INDIVIDUAL PERMITS**

**(PAS)**

**Stormwater Individual**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the 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 appealed 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.

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

*Carbon County Conservation District, District Manager, 92 Blakeslee Blvd. East, Lehigh, PA 18235, (610) 377-4894.*

**NPDES Permit PAS101316.** Stormwater. **Jim Thorpe High School**, c/o Thomas Sanguiliano, 140 W. Tenth St., Jim Thorpe, PA 18229-1702, has applied to discharge stormwater from a construction activity located in Jim Thorpe Borough, **Carbon County**, to Silk Mill Run.

## SAFE DRINKING WATER

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

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

**A. 1098504.** Public water supply. **Butler Senior Care, Inc. (Silver Haven Summit)** 164 Schiebel Road, Butler, PA 16001. This proposal involves the permitting of an existing groundwater well, adding new water treatment equipment, disinfection facilities and distribution storage. Facility is a Personal Care Home located near the village of Herman, in Clearfield Township, **Butler County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

**Moats Service Center**, Providence Township, **Lancaster County**. William E. Stephens, Stephens Environmental Consulting, Inc., 191 Slicers Mill Road, Rising Sun, MD 21911, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, lead, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published February 19, 1998, in the *Lancaster New Era*.

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

**Gil Fischer Residence**, owned by Rolling Hills Village, Elizabeth Township, **Allegheny County**. Rolling Hills Village, 001 Oak Drive, Buena Vista, PA 15018 and Kevin P. VanKuren, 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate

soil contaminated with PAHs. The applicant proposes to remediate the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 2

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

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of 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, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

**Damascus Bishop Tube Company, Munhall Borough, Allegheny County.** Damascus Bishop Tube Com-

pany, 795 Reynolds Industrial Park Road, Greenville, PA 16125 and Steve McGuire, Chester Engineers, Inc., 600 Clubhouse Drive, Moon Township, PA 15108 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, solvents, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post-Gazette* on April 8, 1998.

## SOLID AND HAZARDOUS WASTE

### HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Applications submitted 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, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.*

**A. PAD980550412. Lonza Inc.,** Lonza Riverside Facility, 900 River Road, Conshohocken, PA 19428 was submitted for the renewal and modification of the captive hazardous waste RCRA Part B permit for the Lonza Riverside Facility located in Upper Merion Township, **Montgomery County.** The current Part B permit expires on September 15, 1999, and the applicant is seeking a 10-year renewal. The modifications requested include an additional hazardous waste storage tankfarm, modifying the capacity of the existing hazardous waste incinerator and incineration of clean solvent waste by using it as a supplemental fuel in an existing thermal oxidizer. Application was received in the Southeast Regional Office on April 6, 1998.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**A. 101290. Philadelphia Transfer Station and Recycling Center,** 3605 Grays Ferry Avenue, Philadelphia, PA 10146. This application was submitted for a major modification for the addition of construction and demolition waste and municipal waste processing equipment at the Waste Management of Pennsylvania's Philadelphia Transfer Station and Recycling Center located in the City of Philadelphia. Application was received in the Southeast Regional Office on April 2, 1998.

## AIR POLLUTION

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an integrated plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permit-

ting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application and at one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits have 30 days to submit protests or comments. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act and regulations adopted under the act.

### OPERATING PERMITS

#### Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001-4015).

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

**OP-32-00146: Columbia Gas Transmission Corp.** (1700 Mac Corkle Avenue, SE Charleston, WV 25325) for natural gas transmission at Homer City Compressor Station in White Township, **Indiana County**.

**OP-32-00210: Columbia Gas Transmission Corp.** (1700 Mac Corkle Avenue, SE Charleston, WV 25325) for natural gas transmission at Nolo Compressor Station in Cherryhill Township, **Indiana County**.

**OP-32-00148: Columbia Gas Transmission Corp.** (1700 Mac Corkle Avenue, SE Charleston, WV 25325) for natural gas transmission at Cookport in Green Township, **Indiana County**.

**OP-11-00285: Whitaker Roads Corp.** (P. O. Box 5657, Johnstown, PA 15904) for paving mixtures manufacturing at Richland Plant in Richland Township, **Cambria County**.

**OP-32-00147: Columbia Gas Transmission Corp.** (1700 Mac Corkle Avenue, SE Charleston, WV 25325) for natural gas transmission at Kent Compressor Station in Blacklick, **Indiana County**.

#### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

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

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

**36-5018: Tomkins Industries, Inc.** (3255 E. Miraloma Ave., Anaheim, CA 92806) for a fiberglass reinforced products facility located in West Donegal Township, **Lancaster County**.

**67-05033: Gichner Systems Group, Inc.** (P. O. Box B, East Locust Street, Dallastown, PA 17313) for metal shelter manufacturing facility located in York Township, **York County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Attn: Eric Gustafson, (814) 332-6940.*

**43-00040: Armco Inc.—Sharon Plant** (P. O. Box 11, Sharon, PA 16146) located in Sharon, **Mercer County**. The facility's air emission sources include two natural gas fired boilers, a continuous weld furnace fired by natural gas, two natural gas fired galvanize furnaces and a pipe coating section. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of volatile organic compounds and particulate matter.

**33-00055: Glen-Gery Corp., Hanley Plant** (P. O. Box 68, Route 28, Summerville, PA 15864) located in Summerville Borough, **Jefferson County**. The facility's major sources of emissions include two tunnel kilns which primarily emit sulfur oxides and hydrogen fluoride.



### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

**06-5010A: Crompton & Knowles Color Inc.** (P. O. Box 341, Reading, PA 19603) for the filter press room controlled by a wet scrubber in Robeson Township, **Berks County**.

**38-323-006: Aluminum Company of America** (3000 State Drive, Lebanon, PA 17042) for the modification of No. 92 coater located in South Lebanon Township, **Lebanon County**.

**67-320-026A: GTY, Inc.** (2075 Loucks Road, York, PA 17404) for the construction of a rotogravure printing press located in West Manchester Township, **York County**. This source is subject to 40 CFR 60, Subpart FFF, Standards of Performance for New Stationary Sources.

*Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**41-318-032B: Textron Lycoming** (652 Oliver Street, Williamsport, PA 17701) for the construction of an aircraft engine surface coating operation (spray booth) in the City of Williamsport, **Lycoming County**.

**17-309-006B: Glen-Gery Corp.** (P. O. Box 338, Bigler, PA 16825) for the construction of a pneumatically loaded iron chromite bin and associated air cleaning device (a cartridge collector) in Bradford Township, **Clearfield County**.

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA 25-980A: Menasha Corp./Packaging Division** (5800 Bundy Drive, Erie, PA 16501) for installation of a cyclone classifier and a baler in Erie, **Erie County**.

#### REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

##### Carbidie Corporation, Westmoreland County

As per 40 CFR 51.102(d), the Department of Environmental Protection (Department) will hold a public hearing on May 21, 1998, at 10 a.m. in the Allegheny Conference Room, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

The hearing is to take testimony concerning the Department's intent to issue a Reasonably Available Control Technology (RACT) Operating Permit (PA-65-000-720) to Carbidie Corporation. Carbidie operates a powdered metal facility in Hempfield Township, Westmoreland County. RACT for this facility has been determined to be the installation of a Ross dryer with condenser, sealed screen enclosures, fixed lids for mixers and storage tanks and a cool water chiller.

Those wishing to present testimony during the hearing should contact Community Relations Coordinator, Betsy Mallison at (412) 442-4182 by May 20, 1998 to register.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Betsy Mallison or the Pennsylvania

AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those who are unable to attend the hearing, but wish to comment, should provide written comments to Noor Nahar, Air Pollution Control Engineer, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Comment period is open for 30 days after the appearance of this public notice.

#### Reasonably Available Control Technology; Public Hearing

##### Bird-In-Hand Woodworks, Inc.

The Department of Environmental Protection (Department) has made a preliminary determination to approve a revised Reasonably Available Control Technology (RACT) Plan and proposes to revise the State Implementation Plan (SIP) for the Bird-In-Hand Woodworks, Inc. at 245 Reading Road, East Earl Township, Lancaster County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 36-2022A for the existing facility to comply with current regulations. The preliminary VOC RACT revision involves the addition of an EPA control technology guidance emission limitation and the removal of a ton per year VOC emission limitation.

The preliminary RACT determination, when finally approved, will be incorporated into an Operating Permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on May 20, 1998, at the Department of Environmental Protection, Lancaster District Office, 1661 Old Philadelphia Pike, Lancaster, PA 17602 from 1 p.m. until all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Susan Frank at (717) 541-7969 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Michelle Rudisill, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before May 20, 1998.

Persons with a disability who wish to attend the hearing scheduled for May 20, 1998, at the Lancaster District Office and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Susan Frank directly at (717) 541-7969 through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

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

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

#### *Coal Applications Received*

**65920108R. Bituminous Processing Co., Inc.** (P. O. Box 810, McMurray, PA 15317). Renewal application received for continued operation and reclamation of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**. Receiving streams: Hunters Run to Sewickley Creek to the Youghiogheny River. Renewal application received: April 6, 1998.

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

**17860135. Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801), revision to an existing bituminous surface mine permit for a change in permit acreage from 348.0 to 361.4 acres, Union, Sandy and Brady Townships, **Clearfield County**, receiving streams: Stony Run, LaBorde Branch, Sugar Camp Run. Application received March 23, 1998.

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

**10950103. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Concord Township, **Butler County** affecting 67.2 acres. Receiving streams: Unnamed tributaries to Bear Creek and Bear Creek. Application received March 31, 1998.

**33980102. Beth Contracting, Inc.** (R. D. 1, Box 208-C, Glen Campbell, PA 15742). Commencement, operation and restoration of a bituminous surface strip operation in Gaskill Township, **Jefferson County** affecting 32.0 acres. Receiving streams: Unnamed tributaries to East Branch of Mahoning Creek. Application received March 30, 1998.

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

**54941303T. D.J.T. Coal Company** (R. R. 4, Box 358D, Pine Grove, PA 17963), transfer of an existing anthracite underground mine operation from Ram Head Coal Company in Frailey Township, **Schuylkill County** affecting 3.0 acres, receiving stream Upper Rausch Creek. Application received March 25, 1998.

**54870206R2. White Pine Coal Co., Inc.** (P. O. Box 59, Ashland, PA 17921), renewal of an existing coal refuse reprocessing operation in Butler, Barry, Eldred, East and West Cameron Townships, Gordon Borough, **Schuylkill and Northumberland Counties**, affecting 870.0 acres, receiving stream none. Application received March 27, 1998.

**54813011R3. EOJ, Inc.** (R. R. 1, Box 18, New Ringgold, PA 17960), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 344.9 acres, receiving stream none. Application received March 30, 1998.

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

#### *Noncoal Applications Received*

**20910304. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation in Steuben Township, **Crawford County** affecting 5.2 acres. Receiving streams: No discharge from the Site. Transfer from Tionesta and Gravel, Inc. d/b/a Wood Gravel Company. Application received April 3, 1998.

**4877SM5. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing gravel

operation in Steuben Township, **Crawford County** affecting 13.0 acres. Receiving streams: Marsh Run. Transfer from Tionesta Sand and Gravel, Inc. d/b/a Wood Gravel Company. Application received April 3, 1998.

**20870305. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation in Troy Township, **Crawford County** affecting 33.5 acres. Receiving streams: Sugar Creek. Transfer from Tionesta Sand and Gravel, Inc. d/b/a Wood Gravel Company. Application received April 3, 1998.

**20940304. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation in Troy and Plum Townships, **Crawford and Venango Counties** affecting 44.0 acres. Receiving streams: An unnamed tributary to Sugar Creek. Transfer from Tionesta Sand and Gravel, Inc. Application received April 3, 1998.

**3776SM20. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation in Plum and Troy Townships, **Venango and Crawford Counties** affecting 13.7 acres. Receiving streams: Unnamed tributary to East Branch of Sugar Creek. Application transferred from Tionesta Sand and Gravel, Inc. Application received April 3, 1998.

**20950301. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation in Bloomfield Township, **Crawford County** affecting 29.5 acres. Receiving streams: Bloomfield Run and Pine Hollow Run. Transfer from Tionesta Sand and Gravel, Inc. Application received April 3, 1998.

**61830306. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation in Cranberry Township, **Venango County** affecting 43.7 acres. Receiving streams: Unnamed tributaries to the Allegheny River. Transfer from Tionesta Sand and Gravel, Inc. Application received April 3, 1998.

**4672SM10. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation in Limestone Township, **Warren County** affecting 129.5 acres. Receiving streams: Two unnamed tributaries to the Allegheny River and Myers Run. Transfer from Shermac Company. Application received April 3, 1998.

**62820304. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation in Limestone Township, **Warren County** affecting 90.7 acres. Receiving streams: Unnamed tributaries to Myers Run. Transfer from Tionesta Sand and Gravel, Inc. Application received April 3, 1998.

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

**66740302A1C2. American Asphalt Paving Company** (500 Chase Road, Shavertown, PA 18708), correction to an existing sand and gravel pit in Exeter and Northmoreland Townships, **Wyoming County**, affecting 153.77 acres (stream variance from Mill Creek to Susquehanna River). Application received March 27, 1998.

**40980302. Small Mountain Quarry, Inc.** (125 North Warren Street, West Hazleton, PA 18201), commencement, operation and restoration of a large quarry operation in Salem Township, **Luzerne County** affecting 49.6 acres, receiving stream none. Application received March 31, 1998.

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

### ENCROACHMENTS

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

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

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

**E46-800.** Encroachment. **Montgomery Square Partnership**, 585 Skippack Pike, Suite 200, Blue Bell, PA 19422. To perform and maintain the following activities in and along the 100 year floodway of an unnamed tributary to the Little Neshaminy Creek for the proposed Montgomery Mall Shopping Center: A) Relocate approximately 165 linear feet of stream channel of an unnamed tributary to the Little Neshaminy for the proposed Knapp Road Extension; B) Install a 230 feet long, 5 foot high by 10 foot wide roadway box culvert; C) Install a 72 feet long, 5 foot high by 10 foot wide roadway box culvert; D) Install an 180 feet long, 4 foot high by 12 foot wide roadway box culvert; E) Install three outfall structures in an adjacent wetland; F) Install 185 linear feet of 24-inch stream enclosure piping in and along an unnamed tributary to the Little Neshaminy Creek for the proposed Witchwood Road crossing.

This project will impact approximately 1.04 acres of wetland. The site is located in an area south of the intersection of Bethlehem Pike (SR 309) and Dekalb Pike (US Rt. 202) and extend south to Stump Road, (Ambler, PA Quadrangle N: 18.75 inches; W: 15.5 inches) in Montgomery Township, **Montgomery County**.

**E46-802.** Encroachment. **Guidi Homes, Inc.**, 1301 S. Bethlehem Pike, Ambler, PA 19002. To enlarge an existing body of water located along an unnamed tributary to Wissahickon Creek (TSF) for the purpose of stormwater management associated with the construction of the Gwynn Crest Residential Subdivision. This application includes a request for approval of an Environmental Assessment for the construction of an on-stream nonjurisdictional dam. The site is situated approximately 500 feet south of the intersection of Swedesford Road and Sumneytown Pike (Lansdale, PA USGS Quadrangle N: 14.0 inches; W: 1.4 inches) in Lower Gwynedd Township, **Montgomery County**.

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

**E40-492.** Encroachment. **Dale E. and Colleen C. Fitch**, R. R. 1, Box 284A, Dallas, PA 18612. To expand and maintain a pile-supported dock/boathouse in Harveys Lake (HQ-CWF), having overall proposed dimensions of 50 feet (Lakeward) by 64 feet. The existing aerial coverage is approximately 990 square feet; the proposed additional aerial coverage is approximately 1,070 square feet. The project is located at Pole No. 12, Lakeside Drive (Harveys Lake, PA Quadrangle N: 18.5 inches; W: 5.4 inches) in Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-493.** Encroachment. **Eugene J. Gallo, Jr.**, 206 Lake Vista Court, Drums, PA 18222. To place fill in a de minimis area of wetlands less than or equal to 0.05 acre for the purpose of constructing a home. The proposed home is located within the floodway of a tributary to Nescopeck Creek (HQ-CWF), on Lot 1, Block 1, Mink Springs Court, in Beech Mountain Lakes (Freeland, PA Quadrangle N: 6.8 inches; W: 9.4 inches) in Butler Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-494.** Encroachment. **DiGiovanni General Contractors, Inc.**, P. O. Box 484, Drums, PA 18222. To place fill in 0.09 acre of wetlands in the drainage basin of Nescopeck Creek (HQ-CWF), for the purpose of constructing a home. The project is located on Lot 45, Block 8, Four Seasons Drive, in the Beach Mountain Lakes residential subdivision (Freeland, PA Quadrangle N: 7.8 inches; W: 8.0 inches) in Butler Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

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

**E05-265.** Encroachment. **PA Department of Transportation, Engineering District 9-0**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove an existing bridge and to construct and maintain a prestressed concrete bridge having two spans of 48 feet each and a minimum underclearance of 6.88 feet over Bobs Creek located on SR 0869, Section 002, Segment 0180, Offset 0423, Station 276+00 (Alum Bank, PA Quadrangle N: 16.1 inches; W: 8.2 inches) in King Township, **Bedford County**.

**E06-512.** Encroachment. **Maidencreek Township Authority**, Gary Saggio, P. O. Box 289, Blandon, PA 19510. To fill 1.4 acres of wetlands along the channel of Willow Creek for the purpose of expanding an existing waste water treatment plant at a point along Willow Creek Road (Temple, PA Quadrangle N: 9.9 inches; W: 6.25 inches) in Ontelaunee Township, **Berks County**.

**E07-290.** Encroachment. **Annette Lehman, Olde Farm Office Centre**, P. O. Box 419, Hollidaysburg, PA 16648. To place fill in 0.14 acre of wetlands for the purpose of constructing an 11,000 square foot commercial building on a 1-acre parcel of land located along Scotch Valley Road (T-424) about 0.5 mile north of its intersection with Route 22 (Hollidaysburg, PA Quadrangle N: 11.8 inches; W: 0.1 inch) in Hollidaysburg Borough, **Blair County**.

**E22-383.** Encroachment. **Ronald and Patricia Burkholder**, 1527 Old Reliance Road, Middletown, PA 17057. To place fill in 0.55 acre of wetlands adjacent to an unnamed tributary to Swatara Creek for the purpose of

constructing streets within an existing development at a point along Powerhorn Road (Steelton, PA Quadrangle N: 20.8 inches; W: 1.4 inches) in Lower Swatara Township, **Dauphin County**. The permittee is required to provide a minimum of 0.55 acre of replacement wetlands.

**E36-651.** Encroachment. **Manheim Township Commissioners**, Merritt Lovelette, 1840 Municipal Drive, Lancaster, PA 17601. To demolish an abandoned papermill building, regrade and cover the site with topsoil for development of a Manheim Township Park and greenway area located along the west side of the Conestoga River. The park will have a macadam drive vehicle access and parking lot, a planted riparian buffer zone along with about 800 feet of stabilized creek bank, a created wetlands meadow with an observation deck, tree plantings, trails, a canoe launch ramp, with an office and storage building. The park is located about 600 feet upstream of S. R. 23 (Lancaster, PA Quadrangle N: 14.25 inches; W: 1.4 inches) in Manheim Township, **Lancaster County**.

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

**E02-1226.** Encroachment. **Lincoln Property Company**, 35 Highland Road, Bethel Park, PA 15102. To construct and maintain a 362.0 foot long x 94.0 foot wide boat docking facility in the channel of and along the right bank of the Allegheny River (WWF) for the purpose of providing docking spaces for tenants of the Lincoln at North Shore Apartments. The project is located just upstream from the Ninth Street Bridge, (Pittsburgh East, PA Quadrangle N: 13.4 inches; W: 16.5 inches) in the City of Pittsburgh, **Allegheny County**.

**E04-255.** Encroachment. **PA Department of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To remove the existing structure and to construct and maintain a metal arch culvert having a span of 35.3 feet with an underclearance of 10.5 feet in Blockhouse Run (WWF). The bridge is located on 13th Street (S. R. 1022), approximately 0.4 mile east of the intersection of 13th Street (S. R. 1022) and S. R. 18 (Beaver, PA Quadrangle N: 19.5 inches; W: 7.4 inches) in New Brighton Borough, **Beaver County**. This permit also authorizes the construction of temporary cofferdams and the placement of rip-rap.

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

**E27-058.** Encroachment. **Tionesta Township**, P. O. Box 601, Tionesta, PA 16353. To remove the existing cut stone culvert and to place and maintain a 40-foot-long by 55-inch-diameter corrugated metal arch culvert on Stitzinger Road across the North Branch of Hemlock Creek (EV, wild trout, trout stocked). The project is located on Stitzinger Road across the North Branch of Hemlock Creek approximately 1,000 feet north of the intersection of Stitzinger Road and T-599 located in Tionesta Township, **Forest County**.

**E37-119.** Encroachment. **Lawrence County, Government Center**, 430 Court Street, New Castle, PA 16101. To remove the existing single span structure and to construct and maintain a two span adjacent concrete box beam bridge with each normal clear span measuring 17 meters and a minimum underclearance of 4.153 meters on T-464 (Lakewood Road) across Neshannock Creek (TST). This project will utilize a causeway for creation of the new bridge pier and cofferdams will be utilized for abatement construction. The project is located on T-464

(Lakewood Road) across Neshannock Creek approximately 50 feet Southwest of the intersection of T-464 (Lakewood Road) and S. R. 0965 located in Wilmington Township, **Lawrence County**.

#### DAM SAFETY

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

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

**D57-028A.** Dam. **Dwight Lewis Lumber Company, Inc.** (P. O. Box A, Hillsgrove, PA 18619-0901). To modify, operate and maintain the Deer Lake Dam across Ogdonia Creek (HQ-CWF) on the north side of S. R. 3005, approximately 4.5 miles east of S. R. 87 (Picture Rocks, PA Quadrangle N: 21.0 inches; W: 12.4 inches) in Elkland Township, **Sullivan County**. In addition, the downstream outlet pond dam will be breached and removed to restore the stream to a free-flowing condition.

#### ENVIRONMENTAL ASSESSMENT

**Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.**

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

**EA01-005C0.** Environmental Assessment. **Rupal S. and Satish A. Shah** (947 Heritage Drive, Gettysburg, PA 17325). To construct and maintain a nonjurisdictional dam in the watershed of a tributary to Rock Creek (WWF) impacting approximately 0.8 acre of wetlands (PEM) for the purpose of stormwater management at the proposed Gettysburg View subdivision located approximately 1,200 feet north of the intersection of S. R. 0034 (Biglerville Road) and T-341 (Boyd's School Road) (Gettysburg, PA Quadrangle N: 20.6 inches; W: 15.7 inches) in Cumberland Township, **Adams County**.

#### ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

##### (Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704

(relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

**Permit No. 6798401.** Sewage. **Oakwood Heights Mobile Home Park**, R. D. 2, Box 2421, Stewartstown, PA 17363. Construction of sewage treatment facilities in Hopewell Township, **York County**.

**Permit No. 0797404.** Sewage. **Frankstown Township**, Box 19, Sylvan Drive, Hollidaysburg, PA 16648. Construction of pump station in Frankstown Township, **Blair County**.

**Permit No. 2198401.** Sewage. **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025. Construction of sewers and appurtenances in East Pennsboro Township, **Cumberland County**.

**Permit No. 6798403.** Sewage. **Springettsbury Township Board of Supervisors**, 1501 Mount Zion Road, York, PA 17602. Modifications to the construction of sewers and appurtenances in Springettsbury Township, **York County**.

**Permit No. 6798402.** Sewage. **Conewago Township Sewer Authority**, 490 Copenhaffer Road, York, PA 17404. The construction of sewers and appurtenances and pump stations in Conewago Township, **York County**.

**Permit No. 0197403.** Sewage. **Gettysburg Municipal Authority**, 601 East Middle Street, P. O. Box 3307, Gettysburg, PA 17325-3307. The construction of sewage treatment facilities in Cumberland Township, **Adams County**.

**Permit No. 3898401.** Sewage. **Mr. and Mrs. Paul C. Bomba**, R. D. 2, Denver, PA 17517. The construction of sewage treatment facilities in Millcreek Township, **Lebanon County**.

**NPDES Permit No. PA0082228.** Sewerage. **Hill Top Acres Mobile Home Park**, 112 South Main Street, Manheim, PA 17545 is authorized to discharge from a facility located in Rapho Township, **Lancaster County** to an unnamed tributary to Chickies Creek.

**NPDES Permit No. PAG053518.** General Permit. **Turkey Hill Minit Markets**, 257 Centerville Road, Lancaster, PA 17603 is authorized to discharge from a

facility located in West Hempfield Township, **Lancaster County** to the receiving waters of an unnamed tributary to Chickies Creek.

**NPDES Permit No. PA0084883.** Sewerage. **Broad Top City Borough**, Route 913, Broad Top City, PA 16621-0228 is authorized to discharge from a facility located in the Borough of Broad Top City, **Huntingdon County** to the receiving waters named Shoup Run.

**NPDES Permit No. PA0081035.** Sewerage. **Oakwood Heights Mobile Home Park**, R. D. 2, Box 2421, Stewartstown, PA 17363 is authorized to discharge from a facility located in Hopewell Township, **York County** to the receiving waters of an unnamed tributary to Deer Creek.

**NPDES Permit No. PAG043587.** Sewerage/SFSTF. **Mr. and Mrs. Paul C. Bomba**, R. D. 2, Denver, PA 17517 is authorized to discharge from a facility located in Millcreek Township, **Lebanon County** to Cocalico Creek by way of wetlands.

**NPDES Permit No. PAG043583.** Sewerage/SFSTF. **Mr. and Mrs. Marlin W. Martz**, 127 Manada Bottom Road, Harrisburg, PA 17112-8825 is authorized to discharge to an unnamed tributary to Manada Creek in East Hanover Township, **Dauphin County**.

**NPDES Permit No. PA0070190.** Sewerage. **Allegheny East Conference**, P. O. Box 266, Pine Forge, PA 19548 is authorized to discharge from a facility located in Douglass Township, **Berks County** to the receiving waters named Manatawny Creek.

**NPDES Permit No. PA0083208.** Sewerage. **Refresh-ing Mountain Camp Inc.**, 455 Camp Road, Stevens, PA 17578 is authorized to discharge from a facility located in Clay Township, **Lancaster County** to the receiving waters of an unnamed tributary to Middle Creek.

**NPDES Permit No. PA0038318.** Sewerage. **Pequea Valley School District**, 116 South New Holland Road, Kinzers, PA 17535 is authorized to discharge from a facility located in Salisbury Township, **Lancaster County** to the receiving waters named Pequea Creek.

**NPDES Permit No. PA0034860.** Sewerage. **Penn Valley Mobile Home Park**, 110 Inverness Drive, Blue Bell, PA 19422 is authorized to discharge from a facility located in Penn Township, **Lancaster County** to the receiving waters of an unnamed tributary to Chickies Creek.

**NPDES Permit No. PA0038598, Amendment No. 1.** Sewerage. **Pennsylvania Power and Light Company**, Two North Ninth Street, Allentown, PA 18101 is authorized to discharge from a facility located in East Manchester Township, **York County** to the receiving waters named Susquehanna River.

**NPDES Permit No. PA0084476. Hemlock Girl Scout Council, Inc.**, 350 Hale Avenue, Harrisburg, PA

17104 is authorized to discharge from a facility located in Jefferson Township, **Dauphin County** to the receiving waters of an unnamed tributary of Armstrong Creek by way of wetland.

**NPDES Permit No. PA0052396.** Industrial waste. **O-Z/Gedney LLC, Birch Hill Foundry**, 150 Birch Hill Road, Shoemakersville, PA 19555 is authorized to discharge from a facility located in Perry Township, **Berks County** to the receiving waters of an unnamed tributary of the Schuylkill River.

**NPDES Permit No. PA0009423.** Industrial waste. **Borough of Everett Area Municipal Authority**, 100 Mechanic Street, Everett, PA 15537 is authorized to discharge from a facility located in West Providence Township, **Bedford County** to the receiving waters named Johns Branch.

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

**WQM Permit No. 3398402.** Sewage. **Summerville Borough Municipal Authority**, P. O. Box 278, Summerville, PA 15864. This project is for the construction of a sewage treatment plant, pump station and all sewers and appurtenances necessary in Summerville Borough, **Jefferson County**.

#### INDIVIDUAL PERMITS

##### (PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

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#### *List of NPDES and/or other General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant

*List of NPDES and/or other  
General Permit Type*

PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG 2*

*Facility Location  
County and  
Municipality*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Erie County Millcreek Twp.	PAR10K096	Citadel Development Co. 2420 West 15th St. Erie, PA 16505	Unnamed Tributary Bear Run	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie Co. Springfield Twp.	PAR10K100	The Cafaro Company 2445 Belmont Ave. Youngstown, OH 44504-0186	Conneaut Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie Co. Millcreek Twp.	PAR10K101	Westlake Partnership P. O. Box 928 Erie, PA 16512	Marshall Run	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Lower Heidelberg Twp. Berks Co.	PAR-10-C203	Western Berks Plaza William Anderson President 422 Development 1000 First Avenue Suite 422 King of Prussia, PA 19406	Little Cacoosing Crk.	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Tulpehocken Twp. Berks Co.	PAR-10-C210	Buttonwood Acres David Alspaugh 26 Kurr Rd. Richland, PA 17087	Little Swatara Crk.	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
Hampden Twp. Cumberland Co.	PAR-10-H160	Hugo Services/Baron Enterprise 402 Sterling St. Camp Hill, PA 17011	Cedar Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Upper Allen Twp. Cumberland Co.	PAR-10-H167	Homestead Trust & Mid Penn Bank Cumberland Business Park 3905 North Front St. Harrisburg, PA 17110	Cedar Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Silver Spring Twp. Cumberland Co.	PAR-10-H144	Route 114 Associates John Gleim Jr. Excavating 6570 Carlisle Pike Mechanicsburg, PA 17055	Conodoguinet Crk.	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812

## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Silver Spring Twp. Cumberland Co.	PAR-10-H162	Waterford Square Associates 111 Center Rd. Lancaster, PA 17603	Hogestown Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Monroe Twp. Cumberland Co.	PAR-10-H161	Harry Fox Jr. Duffield Crossing 241 Old York Rd. Dillsburg, PA 17019	Yellow Breeches Crk.	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Greene Twp. Franklin Co.	PAR-10-M147	Delbert L. Hawbaker 1333 Georgetown Circle Carlisle, PA 17013	Conococheague Crk.	Franklin County CD 550 Cleveland Ave. Chambersburg, PA (717) 264-17201
Quincy Twp. Franklin Co.	PAR-10-M149	Galen C. Zeger 2156 Buchanan Trail East Greencastle, PA 17225	West Branch Antietam Crk.	Franklin County CD 550 Cleveland Ave. Chambersburg, PA (717) 264-17201
Luzerne Co. Union Twp.	PAR10R138	Eagle Rock Resort 3500 Maple Ave. Suite 1400 Dallas, TX 75219	Tomhicken Crk. and Sugarloaf Crk.	Luzerne CD (717) 674-7991
Luzerne Co. Dennison Twp.	PAR10R143	Robert Biehn P. O. Box 419 Quakertown, PA 18951	Creasy Crk.	Luzerne CD (717) 674-7991
Luzerne Co. Pittston City Avoca Boro. Dupont Boro.	PAR10R144	The Quail Hill Co. 198 S. Main Blvd. Mountaintop, PA 18707	Mill Crk. and Susquehanna River	

*General Permit Type—PAG 3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Summit Twp. Butler Co.	PAR708319	Wiest Asphalt Products & Paving, Inc. 310 Mitchell Rd. Butler, PA 16002	Tributary to Bonniebrook Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
City of Butler Butler Co.	PAR808326	Bulk Intermodal Distribution Services, Inc. 550 Water St. Jacksonville, FL 32202	Connoquenessing Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

*General Permit Type—PAG 4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Cambria Co. Clearfield Twp.	PAG046148	William F. Frederick 333 Nagle Rd. Patton, PA 16668	Burgoon Run	Southwest Region Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000



<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Ridgway Twp. Elk Co.	PAG048496	Wayne E. and Jane H. Bryndel R. R. 1, Box 134 Ridgway, PA 15853	Unnamed Tributary to Clarion River	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Monroe Twp. Clarion Co.	PAG048498	Herbert Vance R. R. 1, Box 116A Sligo, PA 16255	Piney Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Ridgway Twp. Elk Co.	PAG048499	Ray E. and Myra J. Barnett R. R. 1, Box 316K Ridgway, PA 15853	Meadow Brook	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Conneaut Twp. Crawford Co.	PAG048500	Emmett E. and Marilyn C. Carr 20562 Cole Rd. Conneautville, PA 16406	Unnamed Tributary of Foster Run	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

**Plan revision approval granted April 6, 1998 under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Regional Office: Water Management Program Manager, Southcentral Regional, One Ararat Boulevard, Harrisburg, PA 17110.*

*Location: West Lampeter Township, Lancaster County, 852 Village Road, P. O. Box 237, Lampeter, PA 17537.*

The proposed development is located on the west side of Gypsy Hill Road (S. R. 2039), approximately 5,700 feet north of its intersection with S. R. 0222, West Lampeter Township, Lancaster County.

The approved project consists of upgrading the existing Mill Creek Pump Station from 3.0 mgd to 5.76 mgd. All service flows through the pump station are treated at the south train of the Lancaster Municipal Authority Wastewater Treatment Plant.

Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority.

*Location: Warwick Township, Lancaster County, P. O. Box 308, Lititz, PA 17543.*

The proposed development is located on the north side of West Woods Drive, approximately 2,600 feet west of S. R. 0501, Warwick Township, Lancaster County.

The approved project consists of a two lot subdivision. Lot No. 1 is 25 acres and is proposed to have 173 residential dwelling units. Lot No. 2 is 2.6 acres and is proposed for a 60 bed nursing care facility. The total sewage flows of 44,550 gallons per day (gpd) of wastewater will be treated by the Lititz Borough Wastewater Treatment Plant.

Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority.

**SAFE DRINKING WATER**

**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, (610) 832-6130.*

**Permit No. 0998501.** Public water supply. **Delaware Valley College of Science & Agriculture**, 700 East Butler Avenue, Doylestown, PA 18901-2697. Permit approval is for the installation of corrosion control treatment consisting of caustic soda addition for pH control and ortho/polyphosphate blend as the inhibitor in Doylestown Township, **Bucks County**. *Type of Facility: Public Water Supply System. Consulting Engineer: Gilmore & Associates, Robert C. Schmauk, 331 Butler Avenue, New Britain, PA 18901. Permit to Construct Issued: March 27, 1998.*

**Permit No. 1596504.** Public water supply. **Elverson Water Company**, Curtis Hoke, 26 East Main Street, Elverson, PA 19520. A permit has been issued to Elverson Water Company granting permission to use the existing well, known as Well No. 4, as an additional source of supply for their water system in Elverson Borough, **Chester County**. *Type of Facility: Public Water Supply System. Consulting Engineer: Evans Mills Environmental, Inc., Daniel R. Hudson, P. E., P. O. Box 735, 10 Fellowship Road, Uwchland, PA 19480. Permit to Construct Issued: April 2, 1998.*

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

**Permit No. 5298501.** Public water supply. **Lakeside Water Systems, Inc.**, R. R. 2, Box 2886, Greentown, PA

18426. This proposal involves the retaining of three of seven existing wells, and one tank. The addition of disinfection at each well house, the addition of two tanks, and three booster pumps. The Lakeside Water System includes existing trailers and a townhouse development. *Permit to Operate*: April 2, 1998.

## **HAZARDOUS SITES CLEANUP**

**Under the Act of October 18, 1988**

### **Public Notice of Proposed Consent Decree Millcreek Dump Site Millcreek Township, Erie County**

Under section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.A. § 9622, and section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304), notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Decree concerning settlement of the Department's Complaint against Lincoln Metal Processing Company (Lincoln). The Department's Complaint concerns the response costs that the Department has incurred and will incur to cleanup the Millcreek Dump Site in Erie County, PA. The Department's Complaint is filed in the United States District Court for the Western District of Pennsylvania, at Doc. No. 93-297 (Erie).

The Department has incurred over \$700,000 in past response costs, and estimates that it will incur over \$4 million in response costs in the future at the Millcreek Dump Site. However, based upon Lincoln's limited ability to pay, the Department has agreed to settle its Complaint against Lincoln for \$55,000. The specifics of the Department's settlement with Lincoln are set forth in the Consent Decree.

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

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

### **Notice of Proposed Remedial Response DuPont/New Castle Junk Yard Site City of New Castle and Union Township, Lawrence County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites

Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304), is proposing a response action for the DuPont/New Castle Junk Yard Site (site). The site is located in the northwestern industrial section of the City of New Castle, and Union Township, in Lawrence County, PA. The site consists of two adjacent properties: an inactive junkyard/battery recycling facility, and an inactive china manufacturing facility with an associated china waste disposal area. Investigations of the site revealed elevated levels of hazardous substances in the groundwater, surface water, sediments and surface and subsurface soil/fill/waste materials. Significant levels of arsenic, cadmium, lead and zinc were detected in groundwater samples. Onsite surface and subsurface soil, waste and sediment samples revealed elevated levels of antimony, copper, lead and mercury. Surface water samples from the adjacent Shenango River also indicated offsite lead contamination and migration. Surface soil/sedimentation and waste samples from the junkyard property revealed elevated levels of semi-volatile organic compounds, pesticides and polychlorinated biphenyls. The Department's objectives for the site are: prevent human exposure to hazardous substances in surface soil/fill/waste materials; reduce or prevent migration of hazardous substances into the groundwater and nearby surface water and sediments that would result in continuing contamination; satisfy all Applicable, Relevant and Appropriate Requirements (ARARs) relating to disposal of wastes; prevent human exposure to contaminated surface water; restore surface water and sediments in the wetland areas to ecologically-based criteria. The Department considered seven remedial response alternatives in order to achieve these objectives at the site:

Alternative 1. No Action/Institutional Controls

Alternative 2. Onsite Containment of all Contaminated Materials with a Soil Cover.

Alternative 3. Onsite Containment of All Contaminated Materials with an Impermeable Hazardous Waste Cap.

Alternative 4. Offsite Disposal of Battery Casings and Contaminated Soils and Sediments, Containment of Slag Fill.

Alternative 5. Active Remediation of Battery Casings and Contaminated Soils and Sediments by Soil Washing, Containment of Slag Fill.

Alternative 6. Active Remediation of Battery Casings by Offsite Thermal Treatment, Containment of Remaining Contaminated Materials.

Alternative 7. Active Remediation of Battery Casings and Contaminated Soils and Sediments by Ex-Situ Stabilization, Containment of Slag Fill.

Each alternative was evaluated with respect to seven comparison criteria of: long-term risks and effectiveness; reduction of toxicity, mobility or volume of hazardous substances; short-term risks and effectiveness; implementability; cost; cost-benefit analysis and ARARs. Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department proposes to implement Alternative 7A (ex-situ stabilization, capping with soil cover) with groundwater treatment Option 1 (no action/monitoring) as the remedial response at the site. Alternative 7A would include excavation and onsite treatment of battery casings and contaminated soils and sediments using a stabilization treatment technology. With groundwater treatment Option 1, no active groundwater remediation would occur at the site. The proposed onsite treatment process would use a stabilization treatment technology to convert the leachable hazardous substances (primary lead) to insoluble mineral complexes. The treatment residuals would be expected to be of the general consistency of soil and would be backfilled within the junkyard portion of the site.

This notice is being provided under section 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Please telephone beforehand for an appointment, (814) 332-6648.

The administrative record will be open for comment from April 25, 1998 until July 24, 1998. Persons may submit written comments into the record during this time only, by sending them to Harold E. Nye, Project Manager, at the Department Northwest Regional Office or by delivering them to the office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing scheduled for May 27, 1998, at 7 p.m. at the City of New Castle Municipal Building, 230 North Jefferson Street, New Castle, PA 16101. Persons wishing to present comments must register with Steve Curcio at the Department's Northwest Regional Office before May 22, 1998, by telephone or in writing. Persons interested in finding out if anyone has registered should contact Steve Curcio.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should call Steve Curcio at (814) 332-6816 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 3

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of

contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports:

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

**Pennsylvania Power & Light Company (PP&L) Distribution Pole #67963N44494**, Palmyra Township, **Pike County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

**Pennsylvania Power & Light Company (PP&L) Distribution Pole #48695N28761**, City of Hazleton, **Luzerne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

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

**Gil Fischer Residence**, owned by Rolling Hills Village, Elizabeth Township, **Allegheny County**. Rolling Hills Village, 001 Oak Drive, Buena Vista, PA 15018 and Kevin P. VanKuren, 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Final Report addressing soil contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

**Jack Strange Residence/Chris Suchko Property**, West Newton Township, **Westmoreland County**. Jack Strange/Chris Suchko, 60 Sportsman Lane, West Newton, PA 15809 and 105 South Third Street, West Newton, PA 15809 and Kevin P. Van Kuren, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Final Report addressing soil contaminated with PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

## SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

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

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

**Permit No. 400558. Montenay Montgomery Limited Partnership**, 1155 Conshohocken Road, Conshohocken, PA 19428. This amended Waste Management Permit is for the acceptance of various categories of municipal-like residual waste at the Montgomery County Resource Recovery Incinerator facility, located in Plymouth Township, **Montgomery County**. Permit was issued at the Southeast Regional Office on April 8, 1998.

### HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Final determination of a draft permit or denial 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, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.*

On November 22, 1997, the Southeast Regional Office published a draft notice of a determination that the **Malter-Hamilton** solvent recycling operation at their Colwyn facility, **Delaware County**, was not applicable under the recycling permit-by-rule provisions of 25 Pa. Code Chapter 266, Subchapter I, of the Department's Hazardous Waste Regulations. The 60-day comment period has expired and no comments have been received. The Department has determined that the Malter-Hamilton operation is not applicable under the above cited subchapter. Upon notice of this action by the Department, Malter-Hamilton, currently operating under interim status, will have 6 months to file a permit application or a closure plan. The above action was taken by the Southeast Regional Office on April 6, 1998.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

**Permit No. 101592. Tri-County Landfill Inc.**, 199 Landfill Road, Grove City, PA 16127, located in Pine Township, **Mercer County**. A permit modification to eliminate the average daily volume restriction at the Tri-County Transfer Station, thereby allowing the facility to operate at a maximum volume of 800 tons per day; was approved in the Regional Office on March 25, 1998.

**Permit No. 101187. County Landfill Inc.**, SR 36, P. O. Box 237, Leeper, PA 16233, located in Farmington Township, **Clarion County**. A major permit modification to construct and operate an active landfill gas management system was issued in the Regional Office on March 31, 1998.

## AIR POLLUTION OPERATING PERMITS

**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate and operate air contamination sources and associated air cleaning devices.**

*Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**19-304-008B: Benton Foundry, Inc.** (R. R. 2, Box 110, Benton, PA 17814) amended on April 3, 1998, to allow the use of minor amounts of trim alloys in four iron foundry induction furnaces in Sugarloaf Township, **Columbia County**.

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

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**GP-25-360: The Electric Materials Co.** (50 South Washington Street, North East, PA 16428) for a burn off oven in North East, **Erie County**.

### PLAN APPROVALS

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

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

**06-1007L: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) issued April 7, 1998, for modification of the five hot box burners at their Reading Plant in Reading/Muhlenberg Township, **Berks County**.

**36-310-075: D. M. Stoltzfus & Son, Inc.** (P. O. Box 84, Talmage, PA 17580-0084) issued April 7, 1998, for the construction of their portable stone crushing plant controlled by wet suppression in Upper Leacock Township, **Lancaster County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

**PA-04-483B: Interforest Corp.** (119 AID Drive, P. O. Box 444, Darlington, PA 16115) issued April 8, 1998, for installation of two hurst boilers at Penn-Beaver Veneers Corp. in Darlington Township, **Beaver County**.

**PA-65-844A: Sterling Lebanon Packaging Corp.** (P. O. Box 768, Thomas Avenue and Lafferty Street,

Jeannette, PA 15644) issued April 9, 1998, for installation of two offset printing presses at the Jeannette Plant in Jeannette, **Westmoreland County**.

**PA-04-235A: Pennsylvania Power Co.** (76 South Main Street, Akron, OH 44308) issued February 24, 1998, for installation of forced oxidation gypsum plant at Bruce Mansfield in Shippingport Borough, **Beaver County**.

**PA-63-064A: North Central Processing, Inc.** (P. O. Box 396, Chagrin Falls, OH 44022) issued April 8, 1998, for installation of coke drying at Carroll Township, **Washington County**.

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**62-312-036A: United Refining Co.** (Dobson and Bradley Streets, Warren, PA 16365) issued April 3, 1998, for the modification of the API Oil Water Separator in Warren, **Warren County**.

**PA-10-277A: Wiest Asphalt Products** (310 Mitchell Hill Rd., Butler, PA 16001) issued March 31, 1998, for the construction of a batch asphalt plant in Summit Township, **Butler County**.

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

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

**29-318-003B: JLG Industries, Inc.** (JLG Drive, McConnellsburg, PA 17233) issued April 5, 1998, to authorize temporary operation of the McConnellsburg Manlift Production Facility covered by this Plan Approval until August 3, 1998, in Ayr Township, **Fulton County**.

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

**26-310-011B: Commercial Stone Co., Inc.** (2200 Springfield Pike, Connellsville, PA 15425) issued March 20, 1998, for installation of portable crusher at Springfield Pike Quarry in Connellsville Township, **Fayette County**.

**56-305-050: Dunamis Resources, Inc.** (P. O. Box 846, Latrobe, PA 15650) issued April 4, 1998, for installation of coal processing at Miller Mine/Quecreek No. 1 Mine in Jenner Township, **Somerset County**.

**PA-26-486A: St. Jude Educational & Rehab. Services** (5340 National Pike, Markleysburg, PA 15459) issued April 4, 1998, for construction of human crematory at Henry Clay Township, **Fayette County**.

**26-310-018: Davison Sand & Gravel Company** (400 Industrial Blvd., New Kensington, PA 15068) issued April 4, 1998, for installation of limestone crushing at Connellsville II Quarry in Bullsken Township, **Fayette County**.

**65-309-074A: American Video Glass Company** (777 Technology Drive, Mt. Pleasant, PA 15666) issued April 9, 1998, for installation of color TV glass manufacturing at Mt. Pleasant Township, **Westmoreland County**.

**PA-65-891A: Firestone Building Products Company** (525 Congressional Blvd., Carmel, IN 46032) issued April 4, 1998, for operation of foam insulation manufacturing at Youngwood Borough, **Westmoreland County**.

**03-318-019: Standard Products Company** (1655 Orr Avenue, Kittanning, PA 16201) issued April 4, 1998, for construction of elastomer coating line at Kittanning Division in Kittanning Borough, **Armstrong County**.

**PA-63-884A: Technik America, Inc.** (2045 West Pike Street, Houston, PA 15342) issued April 8, 1998, for construction of mine machinery manufacturing and repair at Houston Facility in Chartiers Township, **Washington County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### Coal Permits Issued

**11900201. Maple Coal Company** (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143), for an SMP boundary revision to add 5.4 acres to the eastern boundary of this existing bituminous coal refuse reprocessing permit for ash deposition and support facilities. Total SMP acres goes from 128.8 to 134.2. The final ash pile design, E & S plan and Revegetation and Reclamation Plan are being revised at this time, also, in Barr and Blacklick Townships, **Cambria County**, receiving stream Elk Creek. Application received October 15, 1997. Application issued April 6, 1998.

**56910103. Permit Renewal. Barbuschak Excavating** (132 Algonquin Path, Stoystown, PA 15563), commencement, operation and restoration of a bituminous strip mine in Shade Township, **Somerset County**, affecting 19.8 acres, receiving stream unnamed tributary to/and Miller Run. Application received November 17, 1997. Permit issued April 7, 1998.

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

**63910101T. Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Permit transfer issued from Pangersis Coal Co. Permit issued for continued operation and reclamation of an existing bituminous surface mine located in Robinson Township, **Washington County**, affecting 13.0 acres. Receiving streams: unnamed tributary to Robinson Run. Transfer application received: October 10, 1997. Transfer issued: April 3, 1998.

**65910107R. V. P. Smith Co., Inc.** (P. O. Box 242, Ligonier, PA 15658). Permit renewal issued for continued reclamation only of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 209.5 acres. Receiving streams: unnamed tributaries to McGee Run. Application received: February 4, 1998. Renewal issued: April 2, 1998.

**03920102R. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15778). Permit renewal issued for continued reclamation only of a bituminous surface/auger mine located in Cowanshannock Township, **Armstrong County**, affecting 44.0 acres. Receiving streams: Cowanshannock Creek. Application received: February 4, 1998. Renewal issued: April 8, 1998.

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

**14920302. Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-2310), revision to an existing large industrial mineral permit to permit a stream reconstruction project associated with the development of the Jacksonville Quarry's new entrance road. The project will consist of extending the 6' x 3' box culvert currently under S. R. 0026 to accommodate the widening of S. R. 0026 and the new entrance road to the Jacksonville Quarry. During the course of this action a section of a 36" corrugated metal pipe that leads from the 6' x 3' box culvert outlet will be removed. Once removed, the channel will be returned to an open rock lined channel as a connector between the new extended box culvert and Lick Run downstream from the present outlet of the 36" culvert. The new box culvert and open channel will create better hydraulic conditions to accommodate large precipitation events and previous flooding problems, Marion Township, **Centre County**. Application received October 30, 1997. Permit issued April 2, 1998.

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

**10810124. Big "B" Mining Company, Inc.** (R. D. 1, West Sunbury, PA 16061). Renewal of an existing bituminous strip operation in Washington Township, **Butler County** affecting 47.4 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to Silver Creek. Application received: February 3, 1998. Permit Issued: April 6, 1998.

**10930108. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 53.0 acres. This renewal is issued for reclamation only. Receiving streams: Lick Run and unnamed tributary to Little Sandy Creek. Application received: February 5, 1998. Permit Issued: April 6, 1998.

**33920107. Rice Coal Company** (711 Edward Street, Philipsburg, PA 16866). Renewal of an existing bituminous strip operation in Knox Township, **Jefferson County** affecting 46.3 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed Tributary to Five Mile Run. Application received: February 25, 1998. Permit Issued: April 6, 1998.

**24880101. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip, auger, tippel refuse disposal, fly ash/bottom ash disposal and beneficial use of lime mud operation in Horton Township, **Elk County** affecting 361.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed Tributaries of Mead Run and Unnamed tributaries of West Branch Walburn Run. Application received: January 21, 1998. Permit Issued: April 6, 1998.

**33970108. Beverly Hill Coal Company** (60 Campbell Avenue, Clarion, PA 16214). Commencement, operation and restoration of a bituminous strip and auger operation in Henderson Township, **Jefferson County** affecting 40.0 acres. Receiving streams: Unnamed tributary to East Branch Mahoning Creek. Application received: July 25, 1997. Permit Issued: April 7, 1998.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**32841321. Keystone Coal Mining Corp.** (P. O. Box 729, Indiana, PA 15701), to renew the permit for the O'Donnell No. 3 in Washington Township, **Indiana County**, no additional discharges. Permit issued March 31, 1998.

**56733702. M F Land Company, Inc.** (P. O. Box 68, Boswell, PA 15531), to renew the permit for the Warnick Disposal Site in Jenner Township, **Somerset County**, reclamation only, no additional discharges. Permit issued April 3, 1998.

**30841312. Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville No. 2 in Wayne Township, **Greene County** to add ten degasification boreholes, no additional discharges. Permit issued April 7, 1998.

**02851601. Aloe Coal Co.** (P. O. Box 9327, Neville Island, PA 15225), to renew the permit for the Bald Knob Prep Plant in Findley Township, **Allegheny County**, reclamation only, no additional discharges. Permit issued April 7, 1998.

**32951301. CRG Group** (P. O. Box 386, Youngstown, PA 15696), to revise the permit for the Burrell Mine in Burrell Township, **Indiana County** to add permit and subsidence control plan acres, no additional discharges. Permit issued April 7, 1998.

**32841601. Custom Coals Dilltown** (100 First Ave., Suite 500, Pittsburgh, PA 15222-1507), to renew the permit for the Dilltown facility in Brush Valley Township, **Indiana County**, renewal, no additional discharges. Permit issued April 7, 1998.

**32841323. Keystone Coal Mining Corp.** (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Urling No. 3 E Mine in Armstrong Township, **Indiana County**, no additional discharges. Permit issued April 9, 1998.

**04971301. M J Mining Company** (1021 Whitestown Road, Butler, PA 16001), to operate Mine 1 in Greene Township, **Beaver County**, new underground coal mine, unnamed tributary to Peggs Run. Permit issued April 9, 1998.

**03841312. Brookport Resources Company** (301 East Main St., Suite 900, Lexington, KY 40507), to renew the permit for the Spaces Corners Mine in Rayburn Township, **Armstrong County** to transfer permit from Hays Run Coal Co., no additional discharges. Permit issued April 1, 1998.

**32733709. Custom Coals Dilltown** (100 First Ave., Suite 500, Pittsburgh, PA 15222-1507), to renew the permit for the Dilltown Facility in Brush Valley Township, **Indiana County**, no additional discharges. Permit issued April 7, 1998.

**32733708. Greenwich Collieries** (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the No. 1 coal refuse disposal area in Green Township, **Indiana County** to add 8 acres and add a relocated discharge point, unnamed tributary of Douglas Run. Permit issued April 9, 1998.

**32841302. Greenwich Collieries Division of PA Mines Corp.** (P. O. Box 367, Ebensburg, PA 15931), to revise the permit for the Greenwich No. 1 and No. 2 in Green and Susquehanna Townships, **Indiana and Cambria Counties**, postmining land use change, no additional discharges. Permit issued April 9, 1998.

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

**40930201R. Lonzetta Trucking & Excavating Company** (P. O. Box 644, Hazleton, PA 18201), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 27.6 acres, receiving stream none. Renewal issued April 8, 1998.

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

*Small Industrial Mineral Applications Issued*

**56970802. Shaffer Brothers Coal Company, Inc.** (1 Jay Street, Windber, PA 15963), commencement, operation and restoration of a shale excavation in Paint Township, **Somerset County**. Also for a road variance within 100 feet of State Route 56 and S. R. 1033, affecting 5.0 acres, receiving stream unnamed tributary to Seese Run. Application received November 24, 1997. Issued April 3, 1998.

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

**53970803. Clayton C. Reed** (R. R. 3, Box 189, Coudersport, PA 16915), commencement, operation and restoration of a small industrial mineral (bluestone) permit in Summit Township, **Potter County** affecting 1 acre. Application received November 6, 1997. Authorization granted March 31, 1998.

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

*Large Industrial Mineral Permits Issued*

**4977SM6. Clifford Cross, Jr.** (P. O. Box 240, Mainesburg, PA 16932), transfer of an existing large industrial mineral (sandstone) permit from High Mountain Quarry, Clymer Township, **Tioga County** affecting 6.35 acres, receiving streams: Baker Branch of Asaph Run. Application received October 29, 1997. Permit issued April 2, 1998.

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

*Noncoal Permits Issued*

**37930307. Russell Minerals (Pennsylvania), Inc.** (P. O. Box 510, Darlington, PA 16115). Transfer of an existing sand and gravel operation in North Beaver Township, **Jefferson County** affecting 44.5 acres. This permit is transferred from Mahoning Valley Aggregates Company, Inc. Receiving streams: None. Application received: October 21, 1997. Permit Issued: April 1, 1998.

**38A76SM8. New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, Church Street, New Enterprise, PA 16664). Renewal of NPDES No. PA0211711, Snyder Township, **Jefferson County**. Receiving streams: Little Toby Creek. Application received: January 8, 1998. Permit Issued: April 1, 1998.

**25970308. Wroblewski Sand & Gravel, Inc.** (12907 Half Moon Road, Wattsburg, PA 16442). Commencement, operation and restoration of a sand and gravel operation in Venango Township, **Erie County** affecting 10.6 acres. Receiving streams: None. Application received: July 25, 1997. Permit Issued: April 1, 1998.

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

**67830301C2. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit No. PA0613380 in Conewago Township, **York**

**County**, receiving stream unnamed tributary to Little Conewago Creek. Renewal issued April 7, 1998.

**4975SM3A1C2. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit No. PA0612235 in Hamilton Township, **Adams County**, receiving stream Muncy Run. Renewal issued April 7, 1998.

**45950301. Bill Barry Excavating, Inc.** (R. R. 3, Box 82, Cresco, PA 18326), commencement, operation and restoration of a large quarry operation in Barrett Township, **Monroe County** affecting 152.0 acres, receiving stream unnamed tributary to Cranberry Creek. Permit issued April 7, 1998.

**74740303A4C2. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 2001, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0594334 in Lower Mt. Bethel Township, **Northampton County**, receiving stream Delaware River. Renewal issued April 9, 1998.

**7874SM2A1C3. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0612880 in North Whitehall Township, **Lehigh County**, receiving stream Coplay Creek. Renewal issued April 9, 1998.

**7874SM3A2C2. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0612537 in Whitehall Township, **Lehigh County**, receiving stream Coplay Creek. Renewal issued April 9, 1998.

**8274SM2C3. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0612871 in West Cocalico Township, **Lancaster County**, receiving stream unnamed tributary to Indian Run. Renewal issued April 9, 1998.

**58980806. Buedale Farm** (RFD 1, Box 1469, Hallstead, PA 18822), commencement, operation and restoration of a small quarry operation in Liberty Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted April 9, 1998.

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

*No Cost Government Contracts Issued*

**32-98-01. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), No Cost Government Financed Reclamation Contract involves the removal of 100,000 tons of refuse and the reclamation of 3.4 acres, receiving streams unnamed tributary to Reeds Run and unnamed tributary to Coal Run. Application received January 27, 1998. Contract issued April 7, 1998.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704



(relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board, at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E39-345.** Encroachment. **East Penn Real Estate**, 4445 Harriet Lane, Bethlehem, PA 18017. To construct and maintain a stormwater outfall channel having a bottom width of 10 feet with 3H:1V side slopes approximately 4 feet deep in the floodway of the Little Lehigh Creek. The project is located on the north side of Sauerkraut Lane (T-475) approximately 1,000 feet west of Willow Lane (S. R. 3003) (Allentown West, PA Quadrangle N: 6.4 inches; W: 9.1 inches) in Lower Macungie Township, **Lehigh County**.

**E48-264.** Encroachment. **Guy Ahearn**, 8735 North Delaware Drive, Bangor, PA 18013. To place fill in approximately 0.2 acre of wetlands for the purpose of constructing a secondary access road (known as Fen Drive) to serve the proposed Holly Homes residential subdivision. The project is located 200 feet east of Schoeneck Avenue and 1,000 feet north of S. R. 0191 (Wind Gap, PA Quadrangle N: 0.5 inch; W: 5.6 inches) in Upper Nazareth Township, **Northampton County**. The permittee is required to provide for 0.2 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

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

**E36-644.** Encroachment. **Manheim Township**, Nelson Rohrer, 1840 Municipal Drive, Lancaster, PA 17601. To remove two existing highway structures, construct and maintain 190 feet of 4-foot rise × 8-foot span reinforced concrete box culvert in a tributary to Landis Run. The purpose of the roadway improvement project is to improve the intersection of Euclid Drive and Sammar Road (Lancaster, PA Quadrangle N: 13.3 inches; W: 3.7 inches) in Manheim Township, **Lancaster County**. This permit also includes 401 Water Quality Certification.

**E67-594.** Encroachment. **Harry Fox, Jr.**, 241 Old York Road, Dillsburg, PA 17019. To construct and maintain

four 36-inch diameter, 24-foot long corrugated metal pipe culverts in Bald Eagle Creek to construct a private driveway to provide access to Lot No. 1, Fawn Meadows Subdivision located along the north side of Day Road (T-587) about 1,000 feet east of its intersection with SR 0425 (Fawn Grove, PA Quadrangle N: 22.0 inches; W: 10.6 inches) in Fawn Township, **York County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E67-614.** Encroachment. **Ashley Spangler Hardware Store**, Ashley Spangler, 3500 Willow Road, Dover, PA 17315. To relocate about 100 feet of a tributary to Beaver Creek, within a riprap lined trapezoidal channel, for development of a proposed retail store with adjacent parking lot located at the northeast corner of Old York Road (SR 4026) and Rosstown Road (SR177) (Wellsville, PA Quadrangle N: 11.5 inches; W: 6 inches) in Warrington Township, **York County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

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

**E02-1217.** Encroachment. **Brusters Old Fashion Ice Cream**, 161 Bluestone Drive, Bethel Park, PA 15102. To construct and maintain a 60-inch RCP culvert extension to an existing culvert in a tributary to Thompson Run (WWF) for a proposed Brusters Old Fashion Ice Cream Store located along the north side of Old William Penn Highway approximately 500 feet west of its intersection with Beatty Road (Murrysville, PA Quadrangle N: 12.0 inches; W: 16.5 inches) in the Municipality of Monroeville, **Allegheny County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E26-241.** Encroachment. **PA Department of Conservation and Natural Resources**, Bureau of State Parks, 400 Rachel Carson State Office Building, 8th Floor, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct and maintain a bike-pedestrian trail along the left bank of the Youghiogheny River (HQ-CWF) starting from the S. R. 281 Bridge and extends north between T-892 and said river for an approximate length of 3,650 feet. The trail is located in Ohiopyle State Park and will be constructed on and adjacent to an existing railroad grade (Confluence, PA Quadrangle N: 10.9 inches; W: 16.25 inches) in Henry Clay Township, **Fayette County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

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

**E25-566.** Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To construct and maintain a 60-inch diameter stormwater outfall structure with gabion outlet protection in a tributary to Lake Erie (Garrison Run, WWF, MF) immediately upstream of the existing Bayfront Parkway (S. R. 4034) and to fill 0.15 acre of palustrine forested wetland located along the south side of the existing Bayfront Parkway approximately 200 feet east of Garrison Run. Work is associated with construction of Section No. 1 of the East Side Access (S. R. 4034) project beginning at the existing Bayfront Parkway and Port Access Road intersection and extending southeast to East Sixth Street (Erie North, PA Quadrangle N: 2.8 inches; W: 9.8 inches) located in City of Erie, **Erie County**.

**E33-192.** Encroachment. **PA Department of Conservation and Natural Resources**, Bureau of Forestry,



P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 9.147 meters and a minimum underclearance of 1.37 meters on a 65 degree skew across Callen Run on Callen Run Road approximately 0.5 kilometer south of S. R. 949 in Clear Creek State Forest (Sigel, PA Quadrangle N: 43.4 centimeters; W: 3.6 centimeters) located in Heath Township, **Jefferson County**.

**E62-336.** Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing structure and to install and maintain a precast reinforced concrete box culvert having 15-foot wide by 4-foot high waterway opening in Brands Run on S. R. 4021, Segment 0010, Offset 1192 (Jamestown Street) approximately 1,200 feet northwest of S. R. 957 (Sugar Grove, PA Quadrangle N: 20.0 inches; W: 11.7 inches) located in Sugar Grove Borough, **Warren County**.

**ENVIRONMENTAL ASSESSMENT**

**Environmental Assessment Approvals and Actions on 401 Certifications**

**EA33-002NW.** Environmental Assessment. **PA Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 149, Ebensburg, PA 15931. To eliminate 7,800 linear feet of dangerous strip mine highwall by placing fill in 0.7 acre of five separate wetland areas in two separate strip-mined areas located directly North and West of the village of Anita which is located at the intersection of S. R. 0236 and S. R. 0310.

This project will also include the creation of a 1-acre replacement wetland located within this same project (Reynoldsville, PA Quadrangle N: 0.7 inch; W: 13.0 inches) located in McCalmont Township, **Jefferson County**.

**SPECIAL NOTICES**

**Announcement of Resource Recovery Demonstration Grants Under the Solid Waste-Resource Recovery Development Act Act 198 of 1974**

In accordance with 25 Pa. Code §§ 76.13 and 76.82(c) of the Solid Waste-Resource Recovery Development Act Rules and Regulations, the Department of Environmental Protection (Department) has approved grants to the following application sponsors under the Pennsylvania Solid Waste-Resource Recovery Development, act of July 20, 1974 (P. L. 572, No. 198).

The grant offerings are subject to completion of a contract with the Department in accordance with the Scope of Work approved by the Bureau of Land Recycling and Waste Management. Grants are limited to no more than the maximum amount provided in the grant offering, up to 75% of the total eligible demonstration project costs.

Inquiries concerning this notice should be directed to Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

**1998**

**Act 198 Demonstration Grants**

**Department of Environmental Protection  
Bureau of Land Recycling and Waste Management**

1. Town of Bloomsburg Columbia County	Demonstration of GIS assisted routing to improve recycling collection efficiency.	\$ 18,101
2. Conneaut Lake Borough Crawford County	Demonstration of an aquatic weed harvesting and composting project at Conneaut Lake to replace the use of herbicides.	\$133,041
3. Falls Creek Borough Jefferson County	Establishment of a model used automotive oil filter collection program in a rural area.	\$ 9,929
4. York County	Demonstration of energy recovery from grease trap waste delivered to the York County Solid Waste Authority waste-to-energy facility.	\$ 60,000

**Final Submission Date for Municipal Recycling Program Performance Grant Applications Under Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101)**

The Department of Environmental Protection (Department) announces a request for Recycling Performance Grant applications from municipalities with recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. §§ 4000.101—4000.1904). Municipalities include counties, cities, boroughs, incorporated towns, townships and home rule municipalities.

Recycling Performance Grants will be awarded to municipalities based upon the weight of source separated recyclable materials identified in section 1501(c)(1)(i) of the act recovered by municipal recycling programs, and the population of the municipality. Municipalities awarded grants will receive a base award of \$5 for each ton of eligible recyclable materials marketed, and \$1 per ton for each percentage of waste diverted from disposal. The weight of eligible materials allowable from nonresidential (commercial and institutional) sources will be limited to no more than the weight of eligible materials from residential sources. The Department will not award grants calculated to be less than \$10.

Eligible materials include: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper and plastics. Grants will be awarded only for properly documented eligible materials that were recycled or marketed on or after January 1, 1997, to and including December 31, 1997. Grant funds will not be awarded for residues, materials not listed as eligible or any materials which cannot be documented as being recycled into a new product or use.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and recycled or marketed must be retained at the offices of the municipal applicant for 4 years. The supporting documentation is not required to be submitted with the application.

Acceptable Supporting Documentation. Weight slips or receipts verifying that the materials were recycled or marketed are required as supporting documentation for the grant application. The documentation must be on the letterhead of the hauler or market or on forms provided by the hauler or market; must bear a signature of an authorized representative verifying that the materials were received; and must identify the type and weight of the materials received. Estimates of weight will not be accepted except in cases: 1) where the material is packaged in uniform bales and the average weight of a bale can be demonstrated; or, 2) when multiple generators contribute to a known quantity of marketed material and the hauler or market estimates the quantities allocatable to any individual establishment, or lists each establishment, and verifies the estimate with his/her signature.

Supporting documentation must be available for review by representatives of the Department, the Office of the Attorney General and the Office of the Treasurer or their agents. Although the supporting documentation is not required to be submitted with the grant application, any documentation provided must conform to the above requirements or the materials claimed will not be credited toward the grant.

Applications must be on the forms provided by the Department for materials recycled in calendar year 1997. The Department will mail a calendar year 1997 grant application form to all municipalities on record with recycling programs and all previous Recycling Performance Grant applicants. The deadline for submission of grant applications is 3 p.m. September 30, 1998. Applications received by the Department after that date will be returned. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act, and the availability of monies in the Recycling Fund.

Inquiries concerning this notice should be directed to Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

[Pa.B. Doc. No. 98-636. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1998 Inventory" heading is the Governor's List of Nonregulatory Documents.

The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

### Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

### Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

### Final Technical Guidance—Substantive Revision

DEP ID: 383-3500-112 Title: Surface Water Identification Protocol—Noncommunity Water Systems Description: Directs and supports staff implementation of the requirements for the surface water treatment rule. Effective Date: March 1, 1998 Page Length: 10 pages Location: Vol 26, Tab 01 Contact: Joseph Hoffman at (717) 787-5017

### Final Technical Guidance—Minor Revision

DEP ID: 383-3200-016 Title: Quality Assurance Work Plan for Groundwater Quality Monitoring Stations Description: Quality assurance procedures for operation of the groundwater quality monitoring network programs, in accordance with US EPA 106 Grant Conditions. Effective Date: March 2, 1998 Page Length: 9 pages Location: Vol 26, Tab 01E Contact: Joseph Hoffman at (717) 787-5017

### Notice of Intent to Develop Technical Guidance

Title: Water Supply Replacement—Compliance Description: Will outline procedure for the compliance actions to be followed in relationship to rebuttal presumption for water supply replacement. Anticipated Draft Development Date: July 15, 1998 Anticipated Effective Date: February 12, 1999 Contact: Joseph Schueck at (717) 783-9583.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 98-637. Filed for public inspection April 24, 1998, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Governor's Council on Physical Fitness and Sports

The Governor's Council on Physical Fitness and Sports is scheduled to hold a meeting on May 1, 1998, from 9 a.m. to 12:30 p.m. in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information, or persons with a disability who desire to attend the meeting and require an auxiliary aide service, or other accommodation to do so, should contact Emilie M. Tierney, Director, Department of Health, Bureau of Chronic Diseases or Terry L. Walker, Administrative Officer, at (717) 787-6214. TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-638. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Meeting

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act, as amended 42 U.S.C.A. §§ 241(a) and 247(b), will hold a public meeting on May 20, 1998.

The meeting will be held at the Harrisburg Holiday Inn Hotel and Conference Center, I-83 and PA Turnpike, New Cumberland, PA from 10 a.m. to 4 p.m.

For additional information, or persons with a disability who desire to attend the meeting and require an auxiliary aid service, or other accommodation to do so, should contact Tom DeMelfi, Department of Health, Bureau of HIV/AIDS, P.O. Box 90, Room 912, Harrisburg, PA 17108, (717) 783-0574. TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-639. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Renal Disease Advisory Committee Public Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, May 29, 1998.

The meeting will be held in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA from 12:30 p.m. to 3 p.m.

For additional information, contact Jane E. Renaut, Director of the Chronic Renal Disease Program, Division of Special Health Care Needs at (717) 787-9772.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact the Chronic Renal Disease Program at (717) 787-9772. TDD: (717) 783-6514/ Network TDD: 8-433-6514.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-640. Filed for public inspection April 24, 1998, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Draft Request of Waivers

The Appropriations Act for fiscal year 1998, passed by Congress and signed by President Clinton, included language that allows states to request waivers of the laws which govern employment and training programs. The Department of Labor and Industry (Department) on behalf of the Commonwealth of Pennsylvania has developed a draft request of waivers.

The waiver authority applies to the Job Training Partnership Act (JTPA) and to the Wagner-Peyser Act, which governs the public employment service. A waiver allows the State to be exempted from specific statutory or regulatory requirements. The waiver provisions are intended to provide flexibility to states and local areas in implementing reforms to the workforce development system in exchange for accountability for results.

This comprehensive package includes 24 waivers, 23 JTPA waivers of which 9 are Administrative, 8 are Programmatic and 6 are for Youth; and 1 Wagner-Peyser waiver. The waivers will simplify administration, improve outcomes, reduce costs, enhance customer service, eliminate duplication, consolidate programs and set the course for workforce development and employment and training programs in this Commonwealth.

Copies of the waiver request package may be obtained by contacting: John C. Vogel, Director, Bureau of Employment Services and Training, 12th Floor, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120.

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 98-641. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Sub-State Resource Distribution

Under 20 CFR 652.4, the Department of Labor and Industry (Department) is making public the following sub-state resource distributions. These distributions are for activities under the Wagner-Peyser Act as amended by the Job Training Partnership Act (JTPA) and are for the Program Year 1998 (July 1, 1998—June 30, 1999). Under section 4 of the Wagner-Peyser Act, the Governor has designated the Department as the State agency vested with all powers necessary to cooperate with the United States Employment Service in the operation of the public Employment Service System.

The basic purpose of the Employment Service System is to improve the functioning of the Nation's labor markets by bringing together individuals who are seeking employment and employers who are seeking workers. The Bureau of Employment Services and Training and the Office of Job Center Field Operations in the Department of Labor and Industry administer a labor exchange system which has the capacity:

1. to assist job seekers in finding employment;
2. to assist employers in filling jobs;
3. to facilitate the match between job seekers and employers;

4. to participate in a system for clearing labor between the states, including the use of standardized classification systems issued by the Secretary under JTPA section 462(c)(3); and

5. to meet the work test requirements of the State Unemployment Compensation system.

The sub-state resource distributions are for activities funded under section 7(a) of the Wagner-Peyser Act. Section 7(a) authorizes 90% of the amounts allocated to each state to be used to support the basic labor exchange service.

The distributions are listed by the 28 Pennsylvania Service Delivery Areas. The monetary figures represent planned cost for personal salaries and personal benefits of Job Service/Job Center personnel delivering Wagner-Peyser section 7(a) direct services within each Service Delivery Area (SDA).

The following formula was utilized in producing the sub-state resource distribution: 60% based on the civilian

labor force within the SDA; 30% based on the number of unemployed within the SDA; 5% based on the number of non-college bound public and private high school graduates; and 5% based on the number of public and non-public high school dropouts (ages 21 and under).

The funding formula reflects Pennsylvania's Employment and Training Plan, the joint goals of the Job Training Partnership and Wagner-Peyser Acts Programs and the funding methodology from the Federal Government.

An interested party wishing to comment on the sub-state resource distribution must do so in writing by the close of business on May 15, 1998. Comments should be forwarded to: John C. Vogel, Director, Bureau of Employment Services and Training, 12th Floor, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120.

<i>SDA No. Name</i>	<i>Counties Served</i>	<i>Sub-State Resource Distribution</i>
1 Erie Area Job Training Partnership	Erie (including city of Erie)	\$401,414
2 Northwest PA Training Partnership Consortium, Inc.	Clarion, Crawford, Forest, Venango, Warren	\$325,348
3 City of Pittsburgh	Pittsburgh	\$453,129
4 Allegheny County Department of Federal Programs	Allegheny	\$1,217,969
5 Job Training for Beaver County, Inc.	Beaver	\$227,115
6 Tri-County Private Industry Council, Inc.	Armstrong, Butler, Indiana	\$452,075
7 PIC of Westmoreland, Fayette, Inc.	Fayette, Westmoreland	\$686,355
8 Washington/Greene County Job Training Agency	Greene, Washington	\$317,026
9 North Central PA Regional Planning & Development Commission	Cameron, Clearfield, Elk, Jefferson, McKean, Potter	\$348,861
10 Southern Alleghenies Planning & Development Commission	Bedford, Blair, Cambria, Fulton, Huntingdon, Somerset	\$695,083
11 Mid-State Employment and Training Consortium	Centre, Clinton, Columbia, Lycoming, Mifflin, Snyder, Union	\$656,498
13 Northern Tier Regional Planning & Development Commission	Bradford, Sullivan, Susquehanna, Tioga, Wyoming	\$260,800
14 Scranton-Lackawanna Human Development Agency, Inc.	Lackawanna	\$311,076
15 Pocono Counties Service Delivery Area	Carbon, Monroe, Pike, Wayne	\$376,349
16 Luzerne County Human Resources Development Department	Luzerne, Schuylkill	\$690,527
17 Philadelphia Private Industry Council	Philadelphia	\$2,159,375
18 Bucks County Office of Employment and Training	Bucks	\$786,784
19 Montgomery County Training and Employment Program	Montgomery	\$921,798
20 Delaware County Office of Employment and Training	Delaware	\$714,604
21 Chester County Office of Employment and Training	Chester	\$510,635
22 Private Industry Council of Lehigh Valley, Inc.	Lehigh, Northampton	\$755,837
23 Berks County Employment and Training Office	Berks	\$474,409
24 Susquehanna Employment and Training Corporation	Cumberland, Dauphin, Juniata, Lebanon, Perry	\$868,768
25 Lancaster Employment and Training Agency	Lancaster	\$580,061
26 York County Office of Employment and Training	York	\$513,605
27 Franklin/Adams Employment & Training Consortium	Adams, Franklin	\$293,702

<i>SDA</i>		<i>Counties Served</i>	<i>Sub-State Resource Distribution</i>
<i>No. Name</i>			
28	West Central Job Partnership Private Industry Council of Mercer and Lawrence Counties	Lawrence, Mercer	\$265,405
29	Northumberland/Montour Training Services, Inc.	Montour, Northumberland	\$157,806

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 98-642. Filed for public inspection April 24, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Duty of Issuing Agent to Verify Purchase Price of Vehicle at Time of Sale/Registration

#### Addendum

The Department of Transportation, Bureau of Motor Vehicles, pursuant to the authority contained in the Act of April 17, 1997, P. L. 6, No. 3 (75 Pa.C.S. § 1318(d)), published at 27 Pa.B. 3286 (July 6, 1997), the manner by which issuing agents shall verify that the purchase price of a motor vehicle, as stated upon the application for certificate title and/or registration, approximates the fair market value of the motor vehicle.

As provided in the notice appearing at 27 Pa.B. 3286 (July 6, 1997), the Department approved several nationally recognized publications which issuing agents may use to determine the fair market value of a motor vehicle.

Further, the notice also prescribes the method for authenticating the fair market value when the purchase price, in certain circumstances, appearing on the application for title and/or registration is less than the appropriate, approved publication's stated retail value for the particular motor vehicle.

As provided in the notice appearing at 27 Pa.B. 3286, the certificate of title/registration applicant and the seller shall, on a form provided by the Department, explain and attest before a notary public the reason why the purchase price is less than the appropriate, approved publication's stated retail value for the vehicle.

Presently, the form in these instances required by the Department to be completed by both the applicant for title/registration and the seller is the Form MV3, "Motor Vehicle Verification of Fair Market Value by the Issuing Agent." The Department, however, after review and discussion with issuing agents and other affected persons, has determined that completion of this form is not required for a new vehicle being sold to the first retail customer; for reconstructed vehicles, recovered theft vehicles, specially constructed vehicles, flood vehicles, or vehicles that were formerly police or taxi vehicles; for lease buyout vehicles by the lessee; or for vehicles transferred upon the death of owner(s).

Moreover, as part of the Department's continuing commitment to review its procedures and make amendment to the same when it eliminates unnecessary or burdensome requirements, the Department has also determined that when the Form MV-3 is required and when the vehicle is purchased out-of-state, only the signature of the Pennsylvania purchaser/applicant is necessary on the form and not that of the out-of-state seller.

Further information on the Department's procedures for verifying the purchase price of a vehicle at the time of sale/registration may be found at 27 Pa.B. 3286 (July 6, 1997).

Questions, comments, or suggestions may be submitted to the new contact person: Randolph Swartz, Manager, Research & Support Operations Section, 1101 South Front Street, Riverfront Office Center, Third Floor, Harrisburg, Pennsylvania, 17104; (717) 787-9720.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-643. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Retention of Engineering Firms

#### Statewide

#### Project Reference No. 08430AG2183

The Department of Transportation will retain an engineering firm to provide fabrication inspection of prestressed/precast concrete products under the supervision of the Chief Structural Materials Engineer. This inspection will be performed "Statewide" and at out-of-state locations as directed by the Chief Structural Materials Engineer. The Contract will include inspection of reinforced concrete pipe and other items incidental to highway construction designated by the Department. Inspection will be conducted in accordance with the Department's Publication No. 145. The Contract will be for a period of twenty-four (24) months, commencing January 1, 1999.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The selected firm will be required to furnish approximately fifteen (15) to thirty (30) qualified inspectors at various Statewide and out-of-state fabrication shops as the workload dictates. Occasional field inspection at projects sites is required. Attendance may be required at pre-fabrication meetings with Department engineers and fabrication personnel. The selected firm will be required to furnish two (2) inspection supervisors (one in the eastern region, one in the western region) to provide direct daily supervision of the inspection activities.

Under the direction of the Department, the selected firm will be required to keep records and document the

fabrication process; provide quality assurance inspection and perform acceptance tests; submit weekly progress reports; exercise control over materials and workmanship to ensure conformance to specifications; provide a detailed final report and a tabulated list of prestressed/precast concrete quantities shipped to Department projects.

The selected firm must provide all necessary test equipment listed in Publication 145 including a slump cone, air meter and all specification references at each assigned plant.

The project manager may be required to perform professional services as a Staff Engineer, including but not limited to plant approval, quality control plan and mix design review, at the direction of the Department.

The selected firm must also provide the services of a Specifications Engineer and a Forensics Engineer when required. The Specifications Engineer will be required to work in conjunction with Department staff to coordinate and review specification changes from the clearance transmittal process through final implementation. In addition, the selected firm will be asked to participate in the forensic analysis of concrete items by providing the services of a specialized concrete engineer, well versed in the concrete technology field, if directed by the Department.

The job descriptions for all classifications may be obtained from the Structural Materials Engineer who is identified at the end of this solicitation.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of the inspector's qualifications with emphasis on prestressed/precast concrete fabrication inspection experience.
- c. Understanding of Department requirements, policies and specifications including the ACI and AASHTO references.
- d. Review of the firm's "supervision plan" for the plant inspection staff.
- e. Number of qualified prestressed/precast concrete fabrication inspectors available for this agreement.
- f. Key personnel experienced with precast and prestressed concrete plant fabrication inspection and practices.
- g. Firm's past performance of prestressed/precast inspection in fabrication plants.
- h. Firm's in-house training program.
- i. Branch office in Pennsylvania.

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.

The qualifications and experience required for ninety (90) percent of the inspectors are as follows:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) as a technician, Level II or higher in Construction Materials Testing/Concrete, Transportation/Highway Construction, or Transportation/Highway Materials OR

2. Be certified by the American Concrete Institute (ACI) as Concrete Field Testing Technician-Grade I, OR

3. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required concrete fabrication experience for the specified Inspection Classification acceptable to the Department, OR

4. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required concrete fabrication experience for the specified Inspection Classification acceptable to the Department, OR

5. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science in Civil Engineering Technology with the required concrete fabrication experience for the specified for the Inspection Classification acceptable to the Department, OR

6. Hold an Associate Degree in Civil Engineering Technology with the required concrete fabrication experience for the specified Inspection Classification acceptable to the Department.

The staff assigned to prestressed concrete fabrication inspection must be high school graduates with no less than three (3) years in concrete construction of which one (1) year is in the prestressed concrete fabrication field.

The staff assigned to precast box culvert fabrication inspection must be high school graduates with no less than three (3) years in concrete construction of which one (1) year is in the prestressed concrete fabrication field or the precast concrete box culvert fabrication field.

The staff assigned to precast concrete inspection must be high school graduates with no less than three (3) years in construction of which one year is in the concrete fabrication field.

The Staff Engineer (Manager) of the inspection personnel must be a Professional Engineer registered in Pennsylvania with a minimum of three (3) years of prestressed/precast fabrication related experience. One (1) year must be directly related to prestressed concrete plant fabrication.

An Inspection Supervisor is required to be a Professional Engineer registered in the Commonwealth of Pennsylvania or meet the requirements of a prestressed concrete inspector. The Inspection Supervisor is required to provide direct supervision of the inspection staff by making routine visits to assigned plants.

Also, the following minimum qualifications will be taken into consideration:

- a. Ability to speak, write, read and understand the English language.
- b. Have basic knowledge of prestressed/precast concrete fabrication.
- c. Prior experience in prestressed/precast concrete plant fabrication inspection.
- d. Capable of acting as a direct representative of the Engineer.

The maximum straight time reimbursement per hour of inspection for each Department Payroll Classification for calendar years 1999 and 2000 will be as follows:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>	
	1999	2000
Prestressed Concrete- Box Culvert Inspector (PS/BC-I) *	\$41.92	\$43.38
Precast Concrete-Reinforced Concrete Pipe Inspector (PC/RCP-I)	\$37.82	\$43.38
Inspection Supervisor *	\$55.51	\$57.46
Staff Engineer *	\$88.55	\$88.55
Specifications Engineer *	\$88.55	\$88.55
Forensics Engineer *	\$88.55	\$88.55

Letters of Interest for this project must include a letter, signed by the individuals you propose for the classifications marked with an asterisk (\*) above giving their approval to use their name in your letter of interest for this specific project.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Director, Bureau of Construction and Materials, 1118 State Street, Harrisburg, PA 17120. Attention: Mr. William Miller.

Any technical questions concerning the requirements for this project should be directed to: Mr. William J. Miller, P.E., Chief Structural Materials Engineer, Bureau of Construction & Materials at (717) 787-1950.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

#### **General Requirements and Information**

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief Consultant Selection Committee 7th Floor, Forum Place 555 Walnut Street P.O. Box 3060 Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act, WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (For Construction Inspections Services, if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services. Bradley L. Mallory Secretary of Transportation

BRADLEY L.MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-644. Filed for public inspection April 24, 1998, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**Notice of Filing of Final-Form Rulemakings**

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-463	State Board of Dentistry Fees	4/13/98
16A-634	State Board of Psychology Repeals and Editorial Changes	4/13/98



<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
56-2	Board of Pardons Recommendations	4/13/98
3-36	Department of Banking Consumer Discount Companies	4/14/98
43-6	Public School Employes' Retirement System Change in Benefit Payment Plan	4/14/98

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-645. Filed for public inspection April 24, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Acquisition of Keystone State Life Insurance Company

American Heritage Life Insurance Company has filed an application to acquire the issued and outstanding stock of Keystone State Life Insurance Company from Kentucky Home Mutual Life Insurance Company. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P. S. § 991.1402 et. seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-646. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Application for Acquisition of Stock of Calvert Insurance Company

Markel Corporation has filed an application to acquire an additional 10% of the issued and outstanding stock of Gryphon Holdings, Inc. which is the sole shareholder of Calvert Insurance Company. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P. S. § 991.1402 et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written state-

ments should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-647. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Insurance Services Office, Inc.; Homeowners Loss Cost Filing

On April 13, 1998, the Pennsylvania Insurance Department received from the Insurance Services Office, Inc. (ISO) a filing for a loss cost level change for Homeowners insurance. This filing requests an overall decrease of 1.4% to be effective September 1, 1998.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Secretary*

[Pa.B. Doc. No. 98-648. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Andrew and Rosanne Wallace; file no. 98-193-02100; The Continental Insurance Company; doc. no. P98-04-023; May 19, 1998, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-649. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Vanessa Watson-Martinez; file no. 98-280-30721; CIGNA Property and Casualty Co.; doc. no. PH98-04-016; May 19, 1998, 10 a.m.;

Appeal of Louise and Karl M. Jackson; file no. 98-267-31495; Metropolitan Property and Casualty Co.; doc. no. PH98-04-017; May 20, 1998, 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an

auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-650. Filed for public inspection April 24, 1998, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5101, 135 W. Cheltenham Avenue, Philadelphia, PA 19144-3301

*Lease Expiration Date:* August 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within an area North of Cheltenham Avenue, South of Washington Lane, East of Wayne Avenue and West of Germantown Avenue.

*Proposals due:* May 15, 1998 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly (215) 560-5310

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 98-651. Filed for public inspection April 24, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petition of Millersburg Ferry Boat Association for Declaratory Order; Doc. No. P-00981356

Millersburg Ferry Boat Association (Millersburg), by its counsel, has filed a petition requesting a declaratory order that the operation of the ferry does not constitute the provision of common carrier services as defined in section 102 of the Public Utility Code. The petition is docketed at P-00981356.

According to Millersburg, the ferry does not provide a monopoly service nor does it provide the exclusive means of crossing the Susquehanna River. In this regard, Millersburg asserts that the ferry cannot be seen as a necessity for it is a seasonal venture that does not run on a schedule, but instead runs when there is a sufficient number of visitors to make the running profitable. Millersburg also asserts that the provision of transportation service by the ferry is merely incidental to its primary purpose of providing amusement and a unique historical experience to its passengers. As such, Millersburg concludes that the provision of transportation service by the ferry can be analogized to the provision of

horse and carriage service which is not subject to the Pennsylvania Public Utility Commission's (Commission) jurisdiction. 52 Pa. Code § 41.20. In conclusion, Millersburg avers that the costs and expenses imposed by Commission regulation, both in terms of compliance with Commission regulations and the cost of annual assessments, are a substantial and unnecessary burden upon Millersburg.

Persons desiring to be heard or to protest this filing 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 § 1.1 et seq. All petitions to intervene and answers should be filed on or before the 20th day following publication of this notice. Copies of the petition are on file with the Commission and are available for public inspection. The contact person is Assistant Counsel Stanley E. Brown at (717) 783-3968.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 98-652. Filed for public inspection April 24, 1998, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before May 18, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

#### **Application of the following for approval of the additional right of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of the rights as described under each application.**

**A-00113228, F. 2. Goggin Moving, Inc., formerly Garrett Goggin, t/d/b/a Goggin Moving** (671 Jefferson Road, Bryn Mawr, Montgomery County, PA 19010), a corporation of the Commonwealth of Pennsylvania—household goods in use, (1) between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, and from points in said area, to other points in Pennsylvania, and vice versa; (2) between points in the city of Coatesville, Chester County, and within an airline distance of 50 statute miles thereof, and from points in said area, to points in Pennsylvania, and vice versa; subject to the following conditions: (a) That no right, power or privilege is granted to provide service between points in the county of Lancaster or from points in the said county to other points in Pennsylvania; (b) that the rights, powers and privileges herein granted shall not include any points that are within an airline distance of 50 statute miles of Harrisburg, Dauphin County, in the

counties of York, Dauphin, Lebanon and Schuylkill; (c) that no right, power or privilege is granted to provide service from points within an airline distance of 50 statute miles of Harrisburg, Dauphin County, for delivery to any other points within an airline distance of 50 statute miles of Harrisburg, Dauphin County; and (d) that the rights, powers and privileges herein granted shall exclude from the area within an airline distance of 50 statute miles of Coatesville the territory in that part of the counties of Delaware, Montgomery, Bucks and Philadelphia east and south of a line beginning at the city of Chester, thence by way of U.S. Highway Route 320 through Broomall to Villanova, thence by a line drawn from Villanova to Swedeland, thence to Bridgeport, thence to Norristown, thence to Doylestown and from Doylestown to Morrisville, but retaining in said 50 mile area, all points and places on the above described boundary lines, except the city of Chester, Delaware County; (3) between points in the area bounded by the city of Chester, Delaware County, the borough of Downingtown, Chester County, the borough of Norristown, Montgomery County, and the borough of Morrisville, Bucks County, excluding said points and also excluding points in Delaware County beyond a 10 statute mile airline distance of the Philadelphia City Hall, and from points in said area to other points in Pennsylvania, and vice versa; (4) between points in the borough of West Chester, Chester County, and within an airline distance of 3 statute miles of the said borough limits; (5) from points in the borough of West Chester, Chester County, and within an airline distance of 3 statute miles of the said borough limits, to other points in Pennsylvania, and vice versa; (6) from points within an airline distance of 10 statute miles of the Chester County Courthouse in the borough of West Chester to other points in Pennsylvania and vice versa; rights 2, 3, 4, 5 and 6 subject to the following conditions: (a) That no right, power or privilege is granted to provide service from points in the city of Coatesville, Chester County, and within 10 miles by the usually traveled highways of the limits of said city to other points in Pennsylvania, and vice versa; and (b) That no right, power or privilege is granted to provide service from points in the borough of Downingtown, Chester County, and within an airline distance of 3 statute miles of the limits of said borough to points in Pennsylvania, and vice versa; (7) property, except household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights granted to Louderback Transportation Company, Inc., under the certificate issued at A-00111286, subject to the same limitations and conditions. *Attorney:* Richard A. Franklin, 20 Biddle Way, Mt. Laurel, NJ 08054.

#### **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-00114826. Main Line Express Inc.** (532 Lehigh Avenue, Apartment A, Swarthmore, Delaware County, PA 19081), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the county of Delaware, and from points in Montgomery County within an airline distance of 5 statute miles of the limits of Delaware County, to the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County; subject to the following conditions: (1) That no right, power or privilege is granted to provide service to or from the township of Lower Merion, Montgomery County, and

the townships of Radnor, Marple and Haverford, Delaware County; and (2) That no right, power or privilege is granted to provide service to or from the Ramada Inn and Best Western Hotel located in Concord Township, the Media Inn located in the borough of Media, the St. Albans Travel Agency located in St. Albans Circle in the Township of Newton, all in Delaware County, except on a nonscheduled basis with reservations made 24 hours in advance; which is to be a transfer of part of the rights authorized under the certificate issued at A-00113410, F. 2 to Sebouh S. Topjian, t/a American Limousine Service, subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Suite 1400, Two Penn Center, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102.

**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 May 11, 1998.

- |               |  |                |   |
|---------------|--|----------------|---|
| A-00114851    | C & H Transport, Inc.<br>25 Kiwanis Blvd., West Hazleton,<br>PA 18201  | A-00114847     | Joseph L. Delbo, & Joseph L., Jr., t/a<br>Joseph Delbo & Son<br>1300 Toby Run Road, Danville, PA<br>17821; Alvin J. Luschnus, 120 West<br>Main Street, P. O. Box 539,<br>Bloomsburg, PA 17815 |
| A-00114828    | G. W. Rowe & Son, Dev. Co., Inc.<br>Second Street, P. O. Box 184, Ulster,<br>PA 18850; James Pruyne, 14 Park<br>Street, Towanda, PA 18848  | A-00114849     | Barry Sparling, t/a Sparling Auto<br>Transportation<br>R. R. 3, Box 181, Troy, PA 16947   |
| A-00114038F.2 | Q.R. Distribution Systems, Inc.<br>P. O. Box 657, Midway, PA 15060   | A-00114850     | David John Daniels<br>19269 State Hwy 98, Conneautville,<br>PA 16406  |
| A-00114830    | HC Transport, Inc.<br>5709 Harrison Avenue, Cincinnati,<br>OH 45248; James Duvall, 2515<br>West Granville Road, Columbus, OH<br>43235-2708   | A-00114104 F.2 | Ira D. Carmel, t/a D. Carmel Trucking<br>R. R. 1, PRL 86, Bushkill, PA 18324  |
| A-00114832    | Robert Forrest, t/a Timber-N-Earth<br>Company<br>R. R. 3, Box 241-8, Dallas, PA<br>18612; Donald P. Roberts, 1460<br>Wyoming Avenue, Forty Fort, PA<br>18704                         | A-00114829     | Randy L. Whitman, t/a Whitman<br>Trucking<br>5625 Hill Road, Cochranton, PA<br>16314  |
| A-00114834    | Reginald L. Fritz, t/a Reginald Fritz,<br>Trucking<br>27 Akron Road, Ephrata, PA 17522   | A-0011483      | Clyde C. Gardner, t/a Gardner Truck-<br>ing<br>R. R. 1, Box 239 A, Roaring Branch,<br>PA 17765  |
| A-00114836    | Kevin W. Miller, t/a Miller Trucking<br>350 Buck Road, Ebensburg, PA<br>15931  | A-00114833     | Robert A. Rohrer<br>R. R. 3, Box 334 B, Mifflinburg, PA<br>17844  |
| A-00114838    | Earl H. Greenawalt<br>R. R. 2, Box 126, Clearville, PA<br>15535  | A-00114835     | William J. Heil<br>1311 Deer Path Drive, Walnutport,<br>PA 18088  |
| A-00114840    | Sem-Pak Corporation, t/a Meyer Pack-<br>aging<br>Front and College Streets, Palmyra,<br>PA 17078; Steven Adams, P. O. Box<br>679, 607 Washington Street, Read-<br>ing, PA 19603-0679 | A-00114837     | Ronald J. Demarco, t/a Demarco Roof-<br>top and Delivery<br>P. O. Box 522, Dunmore, PA 18512  |
| A-00114842    | DT Service Transport, Inc.<br>P. O. Box 30630, Cleveland, OH<br>44130  | A-00114839     | George Brosky, t/a Brosky Trucking<br>224 Fuller Avenue, Falls Creek, PA<br>15840   |
| A-00114845    | Kevin Brubaker<br>1250 Swamp Bridge Road, Denver,<br>PA 17517  | A-00114841     | Donald E., Jeffrey S. Reinert, &<br>Albert P. Weinstein, t/a Rock Solid<br>Trucking<br>P. O. Box 346, Bally, PA 19503   |
|               |  | A-00114843     | David Stasko<br>166 Quist Road, Hastings, PA 16646  |
|               |  | A-00114844     | Eugene Davids, Co., Inc.<br>160 Water Street, Reading, PA<br>19506; Thomas M. Golden, 1100<br>Berkshire Boulevard, Wyomissing,<br>PA 19610  |
|               |  | A-00114846     | Thomas W. Smith, t/a T.W. Smith<br>2206 Street Road, Warrington, PA<br>18976; Stewart J. Berger, 7207 Ris-<br>ing Sun Avenue, Philadelphia, PA<br>19111                                       |
|               |  | A-00114848     | C. Elsier, Excavating Co.<br>216 Orchard Avenue, Norristown,<br>PA 19401-1312; Joseph Kalkbrenner,<br>621 East Germantown Pike, Suite<br>205, Norristown, PA 19401-2454                       |

[Pa.B. Doc. No. 98-653. Filed for public inspection April 24, 1998, 9:00 a.m.]

## Telecommunications

**A-310510. GTE North Incorporated and Commonwealth Telecom Service, Inc.** Joint Application for approval of a Resale Agreement Between GTE North Incorporated and Commonwealth Telecom Services, Inc.

GTE North Incorporated and Commonwealth Telecom Services, Inc., by its counsel, filed on March 31, 1998, at the Pennsylvania Public Utility Commission (Commission), a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the GTE North Incorporated and Commonwealth Telecom Services, Inc. Joint Application are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-654. Filed for public inspection April 24, 1998, 9:00 a.m.]

## Telecommunications

**A-310593. GTE North Incorporated and Sterling International Funding, Inc. d/b/a Reconex.** Joint Application for approval of an Interconnection Agreement between GTE North Incorporated and Sterling International Funding, Inc. d/b/a Reconex.

GTE North Incorporated and Sterling International Funding, Inc. d/b/a Reconex, by its counsel, filed on March 24, 1998, at the Pennsylvania Public Utility Commission (Commission), a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the GTE North Incorporated and Sterling International Funding, Inc. d/b/a Reconex Joint Application are on file with the Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-655. Filed for public inspection April 24, 1998, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**2028117** Agricultural machinery and supplies—1 each latest model snap bean snipper, Ref. Olney Model XL or approved equal.

**Department:** Corrections  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1917387** Chemicals and chemical products—200 gallons Reward (no substitute) EPA 10182-353 aquatic weed control herbicide in 2.5 gallon container.

**Department:** Conservation and Natural Resources  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2007207** Clothing and individual equipment—585 each jacket, cruiser w/removable liner, men/women.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1348317** Communication equipment—1 system analog master clock system.

**Department:** PA Emergency Management  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1954117** Construction and building materials—220 each concrete block 8" split face returns corner; 5,948 cement block 8" splitface; 465 each cement block 10" splitface; 2,982 each cement block 8"; 1,116 each cement block 10" block; 240 bag mortar type 5 80 lb. bag; 80 ton masonry sand; 2 each steel lintel 4' 6 x 3"; 2 each 3 1/2" x 3 1/2" x 11' angels iron; 14 each 3 1/2" x 3 1/2" x 12' angels iron; 280 each 8" Dura Wall 10' section truss type.

**Department:** Corrections  
**Location:** Albion, Erie County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1963217** Construction and building materials—66 each security screens (stainless steel mesh) .047 heavy duty type; 3 each 40" x 78"; 5 each 48" x 73 3/4"; 6 each 39" x 64 1/2"; 1 each 34 3/4" x 92 1/2"; 3 each 43 3/4" x 92 1/2"; 1 each 27 1/2" x 51 3/4"; 3 each 48" x 79"; 2 each 18 3/4" x 53 3/4"; 1 each 39" x 54"; 1 each 43 3/4" x 68"; 1 each 19" x 53 1/2"; 3 each 28" x 79"; 16 each 38" x 79"; 16 each 37" x 79"; 28 each 44" x 79"; 4 each 44" x 71"; 1 each 41" x 79".

**Department:** Clarks Summit State Hospital  
**Location:** Clarks Summit, Lackawanna County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8161200** Construction and building materials—1 LS precast reinforced concrete box culvert; 1 LS precast reinforced concrete box culvert.

**Department:** Transportation  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249150** Construction, mining, excavating and highway maintenance equipment—8 each latest model roller, walk behind, single drum w/hanger mount.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1784117** Food preparation and serving equipment—1 each Spiral mixer 350 lbs./250 quart capacity.

**Department:** Corrections  
**Location:** Chester, Delaware County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1942237** Hardware and abrasives—18 rolls vinyl coated hexagonal poultry netting, netting must be 16 gauge rolls 1" x 3' x 150' long; 15 rolls vinyl coated hexagonal poultry netting, netting must be 16 gauge rolls 1 1/2" x 6' x 150' long; 5 rolls vinyl coated hexagonal poultry netting, netting must be 16 gauge vinyl rolls 1' x 4' x 150' long.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1700117** Materials handling equipment—1 lot furnish and install pallet rack storage system Reference RIDG-U-Rak Model UFS-32-12-42 or approved equal.

**Department:** Corrections  
**Location:** Waymart, Wayne County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1881217** Motor vehicles, trailers and cycles—1 each latest model converted passenger type wheelchair van.

**Department:** Hamburg Center  
**Location:** Hamburg, Berks County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249010** Motor vehicles, trailers and cycles—11 each truck, dump Type II crew cab w/automatic transmission; 14 each truck, dump, Type II, aluminum, automatic transmission; 63 each truck, dump Type II, aluminum, automatic transmission; 12 each truck, dump, Type II, aluminum, automatic transmission; 13 each truck, dump, Type II, aluminum, automatic transmission; 20 each truck, dump, Type II, steel, manual transmission; 65 each truck, dump, Type II, aluminum, manual transmission; 28 each truck, dump, Type II, aluminum, manual transmission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249020** Motor vehicles, trailers and cycles—86 each latest model truck, dump Type IV, aluminum, manual transmission; 85 each truck, dump Type IV, aluminum, manual transmission; 31 each truck, dump tri-axle, aluminum, auto select transmission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97-98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249030** Motor vehicles, trailers and cycles—7 each truck, tractor, conventional cab w/lowboy tandem trailer w/wet line and manual transmission; 6 each truck, tractor, conventional cab w/lowboy triaxle trailer w/wetline and manual transmission; 4 each trailer lowboy tandem axle (no tractor) with Pony motor on trailer.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249040** Motor vehicles, trailers and cycles—2 each truck 26K 20' flatbed w/16' crane, manual transmission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249050** Motor vehicles, trailers and cycles—7 each truck, fuel 1,800 gallon diesel and gas automatic transmission; 7 each truck, fuel 1,800 gallon diesel only manual transmission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249060** Motor vehicles, trailers and cycles—10 each truck, lube manual transmission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249070** Motor vehicles, trailers and cycles—6 each truck, paint, water borne.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249080** Motor vehicles, trailers and cycles—8 each truck, patch machine, L-Pro cab automatic transmission w/air conditioning.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249100** Motor vehicles, trailers and cycles—45 each truck, crew cab, flatbed automatic transmission; 44 each truck, crew cab flatbed manual transmission; 75 each truck, crew cab and chassis automatic transmission; 20 each truck, crew cab and chassis manual transmission; 6 each truck, crew cab w/fiberglass survey body automatic transmission; 36 each truck, crew cab w/fiberglass utility body automatic transmission; 7 each truck, crew cab w/fiberglass utility body automatic transmission; 13 each truck, crew cab w/fiberglass utility body manual transmission; 6 each truck, crew w/steel service body automatic transmission; 6 each truck crew cab w/steel service body without slider roof body automatic transmission; 6 each truck, crew cab w/steel service body manual transmission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249120** Motor vehicles, trailers and cycles—11 each truck 1 ton shop automatic transmission; 6 each truck, 1 ton flatbed (no extended-A-cab) automatic transmission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8249140** Motor vehicles, trailers and cycles—128 each anti-icing truck.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1002078** Paper and printing—114M printing of H520.003 Notice of Enrollment forms; 78M printing of H520.718 Continued Enrollment applications.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1962127** Paper and printing—153M JTPA-1 Participant Employability Assessment Form; 97.5M JTPA-2 MIS Change and Termination Notice; 30.75M JTPA-3 Educational and Employability Development Plan.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1994207** Paper and printing—50M SP 4-125 envelopes fingerprint size 9" x 9" 32 lb. white Kraft; 20M SP 4-132 envelopes fingerprint size 9" x 9" 28 lb. white Kraft.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8234680** Promotional items—30 each board, message, solar, trailer mounted w/cellular and radar.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8234690** Promotional items—34 each board, message, highway advisory radio station w/trailer.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1852117** Security cabinet—2 each electronic key control cabinet security key dispenser with 48 ring capacity, part No. S48; 1 each PC software for remote communications, Keykeeper for windows Part No. 2690022; 1 each hand recognition device biometric reader Part No. 2690021-1; 1 each mounting stand Part No. 2690021-H; 2 each phone remote communications security key dispenser modem part No. 2690016.

**Department:** Corrections  
**Location:** Coal Township, Northumberland County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1773117** Service and trade equipment—12 each APC 9242XX Unisec (barber) hydraulic all purpose chair; 2 each Jetta shampoo chair SHC 2655 upholstery color 366.

**Department:** Corrections  
**Location:** Chester, Delaware County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2046207** Weapons and accessories—79 each racks, shotgun, ceiling mounted w/12 volt electric lock with handcuff key override, capable of accepting both the Remington 870 and 1187 shotgun without modification to the rack; 15 each racks, shotgun, ceiling mounted w/12 volt electric lock w/handcuff key override capable of accepting both the Remington 870 and 1187 shotgun.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

## SERVICES

### Audio/Video—04

**PGC-2573** The Pennsylvania Game Commission is seeking requests for proposals for maintenance, service, alterations, modifications, engineering assistance and repairing of Game Commission radio equipment throughout Pennsylvania.

**Department:** Game Commission  
**Location:** Statewide  
**Duration:** Three years  
**Contact:** Jack G. Beam, (717) 787-4023

### Construction Maintenance—09

**1204** The contractor shall provide all labor, equipment, materials and supplies necessary to regrade and repave the lower parking lot at the State Correctional Institution at Greensburg. The total approximate size of the area to be serviced is 2,534 square yards.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** August 3, 1998 to June 30, 2000  
**Contact:** Wendy J. Maceyko, (724) 837-4397, Ext. 254



**81026** Blacktop service for Warren State Hospital. Complete terms and conditions 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:** July 01, 1998, September 30, 1998  
**Contact:** BD Muntz, (814) 726-4496

**AE-5124** Construction of a wooden material storage structure. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile No. 5, Route 989 New Sewickley Township, Beaver County, PA  
**Duration:** 120 calendar days, proposed bid May 1998  
**Contact:** Valentina Chubb, (717) 787-7001

**AE-5192** Construction of a bulk material storage building. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance District 5-6, PennDOT Airport Stockpile No. 09, Foster Township, Schuylkill County, PA  
**Duration:** 90 calendar days, proposed bid May 1998  
**Contact:** Valentina Chubb, (717) 787-7001

**AE-5193** Removal of asbestos containing material and window replacement. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** District 1-5 Maintenance Building, Franklin, Venango County, PA  
**Duration:** 120 calendar days, proposed bid May 1998  
**Contact:** Valentina Chubb, (717) 787-7001

**AE-5212** Construction of a bulk material storage building. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance District 5-5, PennDOT Pen Argyl, Northampton County, PA  
**Duration:** 90 calendar days, proposed bid May 1998  
**Contact:** Valentina Chubb, (717) 787-7001

**AE-5214** Construction of a bulk material storage building. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance District 5-5, PennDOT Danielsville Stockpile No. 2, Lehigh Township, Northampton County, PA  
**Duration:** 90 calendar days, proposed bid May 1998  
**Contact:** Valentina Chubb, (717) 787-7001

**AE-5123** Construction of a bulk material storage building. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance District 5-5, PennDOT Easton Stockpile No. 1, Palmer Township, Northampton County, PA  
**Duration:** 90 calendar days, proposed bid May 1998  
**Contact:** Valentina Chubb, (717) 787-7001

**DGS 163-19** Project title: Marina Expansion, Phase I. Brief description: Remove and replace pier and utilities, construct new pier and utilities plus incidental construction. General and electrical construction. Plans deposit: \$125 per set. Payable to: Urban Engineers of Erie, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Urban Engineers of Erie, Inc., 502 West 7th Street, Erie, PA 16502, (814) 453-5702. Bid date: Wednesday, May 20, 1998 at 11 a.m.

**Department:** General Services  
**Location:** Presque Isle State Park, Millcreek Township, Erie County, PA  
**Duration:** 130 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 182-8** Project title: Stream Diversion. Brief description: Construction of rectangular concrete channel, precast concrete box culvert, riprap and concrete baffled outlet structure. Also, excavation for and construction of trapezoidal channel. General construction. Plans deposit: \$50 per set. Payable to: Department of Environmental Protection. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of Environmental Protection, Construction Contract Unit, P. O. Box 8452, Harrisburg, PA 17105-8452, (717) 783-7994. Bid date: Wednesday, May 20, 1998 at 2 p.m. A Prebid Conference has been scheduled for Wednesday, May 6, 1998 at 10 a.m. at Milesburg Borough Hall, 416 Front Street, Milesburg, PA. Contact: Paul Ebricht, (717) 783-7929. All contractors who have secured plans and specifications are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Milesburg Borough and Boggs Township, Milesburg, Centre County, PA  
**Duration:** 205 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 199-63** Project title: Administrative Building Roof. Brief description: Remove existing roofing, insulation, skylights, AC units and deteriorated decking. Install new EPDM roofing, insulation and accessories as noted. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of PA. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, April 29, 1998 at 2 p.m.

**Department:** General Services  
**Location:** Huntsdale Fish Culture Station, Newville, Cumberland County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 946-2.IIIIII, Phase 7** Project title: Period Furniture, Fixtures and Equipment for Old Museum. Brief description: Provide period furniture, fixtures and equipment (FF & E) for Legislative Offices and all associated work. Plans deposit: \$300 per set. Payable to: The Vitetta Group. Refundable upon return of plans and specifications in reusable condition within 15 days after the bid opening. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Vitetta Group, Inc., 642 North Broad Street, Philadelphia, PA 19130, Attn: Mike Holleman, (215) 235-3500. Bid opening date: Wednesday, May 13, 1998 at 2 p.m. Furniture Contractor-Dealer Qualification forms are included in this bid package and the contractor must demonstrate the qualifications and experience of personnel who will be performing period furnishings work, such as historical furnishings, fixtures, equipment and other work sensitive to the project. A prebid conference has been scheduled for the subject project on Friday, April 24, 1998 at 2 p.m. in the Corporate Board Room, First Floor, Arsenal Building, 18th and Herr Streets, Harrisburg, PA. Contact person: Dean Arensdorf, (717) 772-8842.

**Department:** General Services  
**Location:** Capitol Complex, Old Museum Building, Annex, Harrisburg, Dauphin County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-3923

**DGS A 962-7** Project title: Roof Replacement at Buildings Nos. 10 (OMS No. 1) and 2 (Drill Hall). Brief description: Roof replacement for Building No. 2 (Drill Hall) and Building No. 10 (OMS) include new insulation, new metal work, downspouts and gutters. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of PA. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, May 13, 1998 at 2 p.m.

**Department:** General Services  
**Location:** Pennsylvania National Guard, 14th and Calder Streets, Harrisburg, Dauphin County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. FDC-009-173R** Demolition of existing bridge (steel I-beams and steel open grid deck, stone masonry and concrete substructure); construction of a new bridge (glulam timber beams and deck, reinforced concrete wingwalls and abutments and architectural surface treatment). Work is located off PA Route 235 near Parker Dam State Park.

**Department:** Conservation and Natural Resources  
**Location:** Huston Township, Clearfield County, PA  
**Duration:** Complete all work by September 30, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-012-310** Diversion and care of water; debris removal; aluminum framing, railing and grating; trash guards; new observation window and rehabilitation of 72' x 72' and 30' x 30' slide gates. All work is on the fish passageway at the Hepburn Street Dam across the West Branch of the Susquehanna River.

**Department:** Conservation and Natural Resources  
**Location:** Borough of South Williamsport, Lycoming County, PA  
**Duration:** 180 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-015-51R** Demolition of three existing structures; construction of a prestressed concrete beam bridge with a reinforced concrete deck; and construction of two cast-in-place reinforced concrete box culverts. Work is located in the southwest corner of Potter County near Ole Bull State Park.

**Department:** Conservation and Natural Resources  
**Location:** Stewardson Township, Potter County, PA  
**Duration:** Complete all work by September 30, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**K98071** Edinboro University of Pennsylvania is seeking bids for ventilation and emergency exit addition at the gazebo, Edinboro University main campus. Bids are due by 2 p.m. on May 12, 1998, in the Purchasing Office, 219 Mc Nerney Hall, Edinboro, PA 16444. A prebid meeting will be held on April 29, 1998 at 9:30 a.m. in Mc Nerney Hall, Second Floor Conference Room. Plans and documents are available for a \$25 nonrefundable fee from Tom Anderson, Purchasing Office, (814) 732-2704. MBE/WBE firms are urged to respond.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Main Campus  
**Duration:** 45 calendar days from Notice to Proceed  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

**DGS 141-5** Project title: Rehabilitation of Historic Aqueduct Over Tohickon Creek. Using Timber. Brief description: Demolish and disposal of existing aqueduct, rebuild abutments, construct new timber aqueduct, grading, seeding, mulching and fencing. General construction. Plans deposit: \$65 per set. Payable to: Department of Conservation and Natural Resources. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of Conservation and Natural Resources, Contract Management Section, P. O. Box 8451, 8th Floor RCSOB, Harrisburg, PA 17101, (717) 787-5055. Bid date: Wednesday, May 20, 1998 at 1 p.m. A Prebid Conference has been scheduled for Wednesday, May 6, 1998 at 11 a.m. at Delaware Canal State Park, Tohickon Creek (near Point Pleasant), Bucks County, PA, in the valley of Point Pleasant, one quarter mile south of the intersection, Route 32 to Tohickon Hill Road. Contact: James Eppley, (717) 787-4892. All contractors who have secured plans and specifications are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Delaware Canal State Park, Tohickon Creek (near Point Pleasant), Bucks County, PA  
**Duration:** 420 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 970-127** Project title: Building Renovations. Brief description: Remove existing concrete walks and curbs, aluminum door frame, hardware, sidelight, existing balcony balustrades and install new. Match existing finish and profile. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of PA. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, May 13, 1998 at 1 p.m.

**Department:** General Services  
**Location:** Pennsylvania National Guard, Philadelphia, Philadelphia County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**CPC 98.041** Conservation cleaning and restoration of gold leaf and decorative ceiling ornament, and conservation cleaning of chandeliers, in House Chamber at the PA State Capitol Building in Harrisburg, PA.

**Department:** Capitol Preservation Committee  
**Location:** Room 627 Main Capitol Building, Harrisburg, PA 17120  
**Duration:** June 1, 1998 through November 15, 1998  
**Contact:** Ruthann Hubbert-Kemper, Director, (717) 783-6484

**DGS A 963-16** Project title: Partial Roof Replacement. Brief description: Replace Drill Hall Roof with new EPDM membrane and shingled areas. Include recover board, gutters and downspouts and some trim work. Also, provide and install a roof hatch and ladder. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of PA. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, May 13, 1998 at 1 p.m.

**Department:** General Services  
**Location:** Pennsylvania National Guard, Berwick, Columbia County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 513-81** Project title: Repair Reservoir Walls. Brief description: Repair leaks and spalls in the concrete reservoir wall with a chemical grout and a repair mortar. Miscellaneous construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of PA. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, May 13, 1998 at 11 a.m.

**Department:** General Services  
**Location:** Torrance State Hospital, Torrance, Westmoreland County, PA  
**Duration:** 60 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 202-7** Project title: Install New Electrical Service and Wiring. Brief description: Install new main distribution panelboard and two new branch circuit panelboards. Install new wireways and branch circuiting and new engine-generator set and automatic transfer switch. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of PA. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, May 13, 1998 at 1 p.m.

**Department:** General Services  
**Location:** PA State Police, Troop "L" Reading Headquarters, Reading, Berks County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 964-25 Phase 2** Project title: Construction and Renovation Building and Remaining Work. Brief description: Construction and renovation of a 500 person armory with offices, locker rooms, supply rooms, arms vault, drill hall, classrooms, kitchen, ADA upgrades. Work includes general, HVAC, plumbing and electrical construction. Plans deposit: \$200 per set. Payable to: E. Pawlowski Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: F. Pawlowski Associates, 430 Main Street, Johnstown, PA 15901, (814) 536-5321. A prebid conference has been scheduled for Wednesday, May 13, 1998 at 1 p.m. at Johnstown Armory, Johnstown, PA in the Second Floor Classroom. Contact: Jeff Eash, (814) 536-5321. All contractors who have secured plans and specifications are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Johnstown Armory, Johnstown, Cambria County, PA  
**Duration:** 330 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-458** Project title: Replace or Upgrade Existing Electrical System. Brief description: Replace electrical system including panels and feeders. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of PA. 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 to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, May 13, 1998 at 1 p.m.

**Department:** General Services  
**Location:** Pennsylvania Department of Transportation Maintenance Building, Tunkhannock, Wyoming County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

## Court Reporting—10

**Court Reporting Services** Court Reporting Service for the State Civil Service Commission Appeal hearings, July 1, 1998 to June 30, 1999, with two 1 year renewals at the option of the Civil Service Commission at the end of each contract year. The successful bidder must provide services at all three Commission locations: 320 Market Street, Harrisburg, PA; 10 South 11th Street, Philadelphia, PA; and 300 Liberty Avenue, Pittsburgh, PA; approximately 3 days of hearings per month at each location.

**Department:** State Civil Service Commission  
**Location:** 320 Market Street, Harrisburg, PA; 10 South 11th Street, Philadelphia, PA; 300 Liberty Avenue, Pittsburgh, PA  
**Duration:** July 1, 1998 through June 30, 1999 with renewal of 1 year  
**Contact:** Patty Perkins, (717) 787-5607

## Elevator Maintenance—13

**M-41755** To provide maintenance, inspection and service for three Schindler hydraulic elevators located at the State Correctional Institution at Pittsburgh. Interested vendors can call John Murphy at (412) 761-1955, Ext. 260, for additional information.

**Department:** Corrections  
**Location:** State Correctional Institution Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 01, 1998 to June 30, 2001  
**Contact:** Ronald J. Dudek, Purchasing Agent, (412) 761-1955, Ext. 212

## Engineering Services—14

**08430AG2183** Inspection of concrete products at various Statewide and out-of-State fabrication plants.

**Department:** Transportation  
**Location:** Bureau of Construction and Materials, Harrisburg, PA  
**Duration:** 24 months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Environmental Maintenance Services—15**

**0400-DR** Contractor to provide on-call drilling equipment and personnel capable of drilling to maximum 150' depth for soils and geological investigations as per the current specifications and requirements. It will be the contractor's responsibility to adhere to erosion and sediment control requirements and provide a flag person for maintenance and protection of traffic when required. Work to be performed in all counties of District 4. Contract shall be renewable at the prices quoted for a 1 year period for a total of three such renewals.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties, PA  
**Duration:** One year with three 1-year renewals  
**Contact:** Gerald Pronko, (717) 963-4039

**1000-064** This contract will provide Engineering District 10-0 the capability of performing subsurface investigations, soil and rock laboratory testing and maintenance and protection of traffic associated with the drilling operations. All requests for bid packages must be received by fax at (724) 357-2872 (Attn: Diane Spence).

**Department:** Transportation  
**Location:** Engineering District 10-0, Armstrong, Butler, Clarion, Indiana and Jefferson Counties, PA  
**Duration:** One year with four 1-year renewals  
**Contact:** Thomas E. Polacek, P.E., (724) 357-2848

**BOGM 98-3** Clean out and plug two abandoned gas wells estimated to be 1,700 feet deep each and one orphan gas well properties of Mr. and Mrs. Frederick H. Anderson, Mrs. Waverly B. Hull, Mr. and Mrs. William Murphy and Mr. and Mrs. Nicholas M. Sample.

**Department:** Environmental Protection  
**Location:** Smethport Borough, McKean County, PA  
**Duration:** 45 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**DMF 2-102.1** Abandoned Mine Land Reclamation, Darmac Associates Corporation involves an estimated 298,000 c. y. of grading, 250 s. y. of rock lining w/filter material, 36 acres of seeding, 470 c. y. ditch excavation, 390 s. y. high velocity erosion control mulch blanket, and sealing of 3 deep mine portals.

**Department:** Environmental Protection  
**Location:** Oakland Township, Butler County, PA  
**Duration:** 300 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**Firefighting Services—18**

**Inquiry Number 250-0216** Contractor to provide all parts and labor necessary to maintain Simplex 4100 fire alarm system. For specifications of service, contact Facility Purchasing Department at (412) 665-6727.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** July 01, 1998—June 30, 2001  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 665-6727

**Food—19**

**97-MP Beef/Pork** Pork primal cuts, approximately 200,000 lbs. over the next 12 months. Beef primal cuts, approximately 500,000 lbs. over the next 12 months.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries, Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17011  
**Duration:** 12 months—bid quarterly  
**Contact:** Linda Malinak, (717) 975-4931

**97-MP Fish** Fish, whitefish blocks. Species: cod, pollack, whiting or haddock. Approximate amount: 500,000 lbs. over 12 month period.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries, Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17011  
**Duration:** 12 months—bid monthly  
**Contact:** Linda Malinak, (717) 975-4931

**97-MP Turkey** Communitated turkey, under 20% fat, frozen and packed in 40 lb. boxes. 150,000 lbs. per year.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries, Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17011  
**Duration:** 12 months—bid monthly  
**Contact:** Linda Malinak, (717) 975-4931

**97-MP Veal** Veal trimmings, frozen 75/25 approximately 60,000 lbs. per year.

**Department:** Corrections  
**Location:** Bureau of Correctional Industries, Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17011  
**Duration:** 12 months—bid monthly  
**Contact:** Linda Malinak, (717) 975-4931

**1154** Bread and related products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a semiannual (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1156** Bakery supplies: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on an annual (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1157** Cheese products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1158** Dairy and related products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a semiannual (or more frequent) basis. Delivery of the products specified shall be made approximately 1 or 2 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1159** Fish and seafood: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1160** Fresh fruits and vegetables: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a monthly (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1161** Margarine: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a semiannual (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1162** Meat and meat products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1163** Miscellaneous frozen foods: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1164** Poultry and poultry products: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**1165** Shell eggs: Contracts shall cover the months of July 1998 through June 1999 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time every 2 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, 1998 to June 30, 1999  
**Contact:** Charles W. Kovach, (724) 853-3503

**5967** Drinks, iced tea for July through December 1998. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July through December 1998  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5968** Pies and cakes, fresh for July through December 1998. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July through December 1998  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5969** Bread and bread products, fresh for July through December 1998. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July through December 1998  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5970** Pastries, fresh for July through December, 1998. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July through December 1998  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**7045** Meat and meat products.

**Department:** Military and Veterans Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July, 1998  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

**7053** Bread, rolls and related products, fresh.

**Department:** Military and Veterans Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July, August and September 1998  
**Contact:** Becky Clapper, (814) 696-5210

**0882-2833** Furnish, install and maintain dispensing equipment for: coffee, concentrate, decaffeinated—97% caffeine free—frozen, 100% coffee, roasted, blended and brewed from coffee beans, with no additives or preservatives. Caffeine content .01% to .03% product shall contain at least 23% coffee solids per volume of concentrate. Ph shall be within a range of 4.95—5.15. Product shall be prepared, processed and packaged under modern sanitary conditions. Shelf life shall be at least 1 year frozen or at least 24 days chilled at 40° Fahrenheit or below. Product shall be frozen at time of delivery, packed in sealed disposable containers. Approximately 15 cases to be delivered monthly except for two deliveries made on April 2 and 30, 1999. Total: 195 cases. For further information, contact the Purchasing Department. Training on operation and daily cleaning required prior to first delivery date.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 17, 1998 through June 25, 1999  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

**Inquiry No. 7580A** Coffee, concentrate, frozen (decaffeinated)—For a 1 year period beginning July 1, 1998 through June 30, 1999. Delivery schedule may be obtained from the institution.

**Department:** Public Welfare  
**Location:** Main Kitchen, Danville State Hospital, Danville, PA 17821-0700  
**Duration:** July 1, 1998—June 30, 1999  
**Contact:** Pamela Bauman, Purchasing Agent, (717) 271-4578

**No. 8316** Bread, rolls and doughnuts: Commodities and quantities available from Purchasing Office, Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, PA 15931. To be commercial price. Award made in best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Dietary Building, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931  
**Duration:** For period: July 1998 to June 30, 1999  
**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0259

**1118811** Breads/pastries. Estimated need: enriched white bread, Texas toast, wheat bread, cinnamon/raisin bread, Italian bread, hamburger rolls, frankfurter rolls, soft dinner rolls, semihard rolls, hard rolls, English muffins, assorted pastries, individual size pies.

**Department:** Public Welfare  
**Location:** Youth Development Center, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101  
**Duration:** July 1, 1998—September 30, 1998  
**Contact:** Kathy Zeigler, Purchasing Agent, (724) 656-7308

**CK-2500-01** Furnish and set up three drink dispensers in the Culinary Department to serve carbonated beverages, as required, for a 36 month period beginning July 1, 1998 through June 30, 2001. Regular and caffeine free diet syrups in a 5 gallon BIB (bag in the box). Estimated quantity for this period: 24,000 gallons. CO<sub>2</sub> in 20 lb. squat cylinders. Estimated quantity for this period: 975 cylinders. To include any other related item.

**Department:** Corrections  
**Location:** State Correctional Institution, Follies Road, Dallas, Luzerne County, PA 18612  
**Duration:** July 01, 1998 through June 30, 2001  
**Contact:** Robert G. Berkey, Purchasing Agent, (717) 675-1101, Ext. 325

**BP-7800-98** Beef and pork products as specified: beef liver, ground beef patties, frankfurters—all beef, Swiss steaks, stewing beef, boneless top beef round, pork sausage pattie, pork chops, pork ham, cooked salami, chopped ham Pullman style, Lebanon bologna. To include any other beef or pork product that may be required for this period. Quantities and deliveries to be determined by the institution. Bids will be on a monthly basis. Award to be made on an item-per-item basis.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**CF-7800-98** Convenience foods as specified: cauliflower, frozen. Broccoli, style: chopped, frozen. Beef patties salisbury, seasoned with peppers and onions. Sandwich steak, wafer sliced, all beef. Veal and beef patties, breaded cooked or blanched. To include any other frozen vegetables and frozen meat that may be required. Quantities and deliveries to be determined by the institution. Bids will be made on a monthly basis. Awards will be made on an item-per-item basis.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**CHS-7800-98** Cheese, American, Type: white, sliced, unsliced, 5 lb. loaf. Cheddar, natural, rindless Grade A, Class II, medium cured, mild cheddar flavor, wrapped and cartoned in 10 lb. loaves. To include any other type cheese that may be required by the institution. Quantities and deliveries to be determined by the institution. Bids will be on a monthly basis. Award to be made on an item-per-item basis.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**EG-7800-98** Eggs, fresh, white. Consumer Grade A, Medium Class 1, natural shelled protected. Minimum net weight per case (30 dozen)—39 1/2 pounds. Eggs to be graded and stamped at point of shipment. Certificate to be furnished with each delivery. Quantities and deliveries to be determined by the institution. Bids will be on a monthly basis.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**FL-7800-98** Flour, various—bleached, high gluten patent, cake, all purpose, whole wheat, rye, and the like. packaged in 50 lb. and 100 lb. bags. To be bid as required. Quantities and deliveries to be determined by the institution.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**FSH-7800-98** Fish and seafood, breaded, precooked, frozen, haddock, pollack or whiting. Fish sticks, precooked, oven ready, frozen, haddock, pollack or whiting fish in batter. Clams, minced. To include any other fish products that may be required during this period. Quantities and deliveries to be determined by the institution. Bids will be on a monthly basis. Award to be made on an item-per-item basis.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**FV-7800-98** Produce—vegetables to be supplied in accordance with PA Spec. V-14. Fruits to be supplied in accordance with PA Spec. F-46. To include cabbage, carrots, celery, cucumbers, lettuce, onions, peppers, potatoes, radishes, tomatoes, apples, bananas, grapefruit, pears and any other related items as required by agency. Bid will be on a monthly basis. Deliver weekly. U.S.D.A. Certificate required.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**IC-7800-98** Ice cream: no pork or pork by-products. Quantities, types and deliveries to be determined by the Institution. Bids will be offered on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**LE-7800-98** Eggs, whole, liquid, pasteurized, with citric acid added and aseptically packaged. Bid monthly. Quantities and deliveries to be determined by the institution.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**MA-7800-98** Margarine—solids and reddies, all vegetable. Bid quarterly. Quantities and deliveries to be determined by the institution.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**PP-7800-98** Poultry and poultry products as specified: turkey roasts, poultry patties, poultry bologna, ground turkey, turkey ham, chicken fryers. To include any other poultry products that may be required for this period. Quantities and deliveries to be determined by the institution. Bids will be on a monthly basis. Award to be made on an item-per-item basis.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

## HVAC—20

**Project No. 008** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board. Tentative Bid Opening—May 15, 1998

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, R. D. 2, Box 2828, Grove City, Mercer County, PA  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 009** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board. Tentative Bid Opening—May 15, 1998

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, P. O. Box 431, Honesdale, Wayne County, PA  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 010** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board. Tentative Bid Opening—May 15, 1998

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 208 Chestnut Street, Kane, McKean County, PA  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 011** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board. Tentative Bid Opening—May 15, 1998

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 1101 Route 522N, Box 589, Lewistown, Mifflin County, PA  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 012** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board. Tentative Bid Opening—May 15, 1998

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, Smythe Park, Mansfield, Tioga County, PA  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 013** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 23rd and Ranstead Streets, Philadelphia, Philadelphia County, PA  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**040097** The Pennsylvania Department of Transportation requires an estimated 300 hours of plumbing repair and service at two safety rest area locations. 1) Lackawanna County I-81 Northbound Tomkinsville and 2) Susquehanna County I-81 Southbound Lenox. Requests for bid packages may be received by phoning (717) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday. Fax: (717) 963-4245. This is a rebid of contract bid opening on February 4, 1998.

**Department:** Transportation  
**Location:** Lackawanna and Susquehanna Counties, PA  
**Duration:** 2 years w/1 year renewal option  
**Contact:** Martha Spaide, (717) 963-4048

**040098** The Pennsylvania Department of Transportation requires an estimated 450 hours of plumbing repair and service at three safety rest area locations. 1) Luzerne County, I-80 EB White Haven; 2) Luzerne County I-81 NB Dorrance; and 3) Luzerne County I-81 SB Nuangola. Request for bid packages may be received by phoning (717) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday, or faxing at (717) 963-4245. Attn: Roadside. This is a rebid of contract bid opening on February 4, 1998.

**Department:** Transportation  
**Location:** Luzerne County, PA  
**Duration:** 1 year with renewal option  
**Contact:** Martha Spaide, (717) 963-4048

**040099** The Pennsylvania Department of Transportation requires an estimated 450 hours of plumbing repair and service at three safety rest area locations. 1) I-84 EB Promised Land; 2) I-84 WB Promised Land; and 3) SR 209 and 6 Matamoras. Requests for bid packages may be received by phoning (717) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday, or by faxing at (717) 963-4245. Attn: Roadside. This is a rebid of contract bid opening on February 4, 1998.

**Department:** Transportation  
**Location:** Pike County, PA  
**Duration:** 1 year with renewal option  
**Contact:** Martha Spaide, (717) 963-4048

### Janitorial Services—23

**46-8-003** To provide and maintain a standard of sanitation in offices, lunchrooms, meeting rooms, locker room, shower stalls and restrooms at the Equipment Division. Cleaning of windows and steam cleaning carpets are required. The successful vendor will be required to scrub, scour, wax or polish as needed to bring all areas up to an acceptable clean condition. Bid package requests can be received by fax at (717) 783-4438 (Attn: Carla Crist).

**Department:** Transportation  
**Location:** Equipment Division, 17th Street and Arsenal Boulevard, Harrisburg, PA 17120  
**Duration:** 5 years  
**Contact:** Carla Crist, (717) 787-2335

### Lodging/Meeting—27

**CMTW99** Meeting rooms for 180 persons with six breakout rooms at 30 people each. All seating is classroom style. Rooms are to be available from 7 a.m. February 2 through 1 p.m. February 4, 1999. Lodging (single) for 140 people on February 1; 160 on February 2 and 3, 1999; checkout extended to 1 p.m. Auto parking at no cost. Two lunches for 180, three breakfasts for 160, associated breaks. For possible tours of construction sites, facility must be within 5 miles of the Belmont Exit and Interstate 76 (Philadelphia area). Bids must be in PennDOT not later than 1 p.m. May 15, 1998.

**Department:** Transportation  
**Location:** Bureau of Construction/Materials, Belmont/Interstate 76 area of Philadelphia, PA  
**Duration:** February 1 through 4, 1999  
**Contact:** David Mays, (717) 783-3647

### Medical Services—29

**78947** Eye glass care service for Warren State Hospital. Complete terms and conditions 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:** September 01, 1998—August 31, 2001  
**Contact:** BD Muntz, (814) 726-4496

**352536** Provide medical services (oral surgery) to the patients at Norristown State Hospital. Services to include: examination, diagnosis, medical treatment or procedures, and follow-up care as necessary.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Steigere Street, Norristown, PA 19401  
**Duration:** July 1, 1998 through June 30, 2001  
**Contact:** Warren J. Dolan, Purchasing Agent, (610) 313-1025

**SP 382179** A medical doctor is necessary to review approximately 4,000 claims for the Property Tax/Rent Rebate Program. Doctor must review medical records submitted with claim forms to determine if claimant is entitled to a rebate. Doctor is expected to review claim forms at 2 week intervals on the premises of the Department of Revenue, 4th Floor, Strawberry Square, Harrisburg, PA.

**Department:** Revenue  
**Location:** Examination Division, Bureau of Individual Taxes, 4th Floor, Strawberry Square, Harrisburg, PA  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Virginia Williams, (717) 787-8269

### Photography Services—32

**SP 342654** Services required for aerial photography of various State owned lands throughout the State of Pennsylvania. This bid could result in three individual contracts.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry; Throughout the entire State of Pennsylvania  
**Duration:** June 1, 1998 through November 30, 1998  
**Contact:** Cory Gaiski, (717) 783-0760

### Property Maintenance—33

**1202** This project will include the replacement of approximately 1,440 square feet of roofing over the Business Office Annex modular building and the replacement of additional roofing over the building's vestibules as required. A new rubber (E.P.D.M.) roofing system with all required accessories including gutters and downspouts shall be furnished and installed by the contractor.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** August 3, 1998 to June 30, 2000  
**Contact:** Wendy J. Maceyko, (724) 837-4397, Ext. 254

**1203** This project is to refurbish the exterior of a 24' x 60' modular building and the building's vestibules. The project involves the removal and replacement of existing metal siding, windows and additional work as required. The contractor will also be responsible for furnishing and installing one steel access door with frame.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** August 3, 1998 to June 30, 2000  
**Contact:** Wendy J. Maceyko, (724) 837-4397, Ext. 254

**010336** Wildflower plantings at various locations along various routes in Crawford, Erie, Mercer and Venango Counties. Detailed requirements and an SPC are available upon request. Fax requests to Carol Shoup at (814) 437-4465.

**Department:** Transportation  
**Location:** Crawford, Erie, Mercer and Venango Counties, PA  
**Duration:** June 15, 1998 to December 31, 1998  
**Contact:** Carol L. Shoup, (814) 437-4392

**Huntsdale Mowing** Provide lawn mowing and grounds maintenance at Huntsdale Fish Culture Station and Southcentral Law Enforcement Office from May 1 through October 31. Work will consist of mowing all lawn areas as needed, maximum of once per week, shrubby trimming of approximately 230 shrubs to be performed twice per year, spraying of weed killer along all fence lines, around all bird enclosure "deadmen" and all building perimeters, twice per year. This will be a 3 year contract.

**Department:** Fish and Boat Commission  
**Location:** Huntsdale Fish Culture Station and Southcentral Law Enforcement Office, 1704 Pine Road, Newville, Cumberland County, PA 17241  
**Duration:** May 01, 1998 through October 31, 2000  
**Contact:** Kathi Tibbott, Purchasing Agent, (814) 359-5131

**Benner Spring Mowing** Lawn mowing service to be provided at Benner Spring Fish Culture Station consisting of mowing main lawn area once a week, area along Shiloh Road every other week, sickle bar mowing along earthen ponds and upper end of hatchery and effluent race once a month. Also included will be spraying of weeds with weed killer along fence lines, bird enclosures, building perimeters, along concrete walls, guard posts, mailbox, gate area and removal of sprayed vegetation from sprayed areas.

**Department:** Fish and Boat Commission  
**Location:** Benner Spring Fish Culture Station, 1225 Shiloh Road, State College, Centre County, PA 16801  
**Duration:** May 01, 1998 to October 31, 1998  
**Contact:** Kathi Tibbott, Purchasing Agent, (814) 359-5131

**040100** The Pennsylvania Department of Transportation requires approximately 200 mowing cycles, spring cleanup, lawn maintenance and turf fertilization at three safety rest areas in Pike County. Requests for bid may be received by fax at (717) 963-4245 Attn: Roadside: or by phoning (717) 963-4048 between 8 a.m. and 3 p.m. Monday through Friday. This is a rebid of contract bid opening on February 19, 1998.

**Department:** Transportation  
**Location:** Pike County (0440), PA  
**Duration:** 2 years with option for renewal  
**Contact:** Martha Spaide, (717) 963-4048

### Real Estate Services—35

**010335** Provide professional appraisal services for a bridge replacement project in Engineering District 1-0. This project is known as State Route 3008-B00 (Kennerdell Bridge) and is located in Venango County. Appraisers must hold a general certification in the State of Pennsylvania along with being listed on the Department's current prequalified fee appraiser roster. PennDOT Engineering District 1-0, R/W Unit, 1140 Liberty Street, Franklin, PA 16323.

**Department:** Transportation  
**Location:** PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323  
**Duration:** April 24, 1998 to April 23, 2003  
**Contact:** William R. Pixley, Chief Appraiser, (814) 437-4203

**030-0284** Notice is hereby given that the Department of Transportation under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located in Woodard Township, Lycoming County, PA. The parcel consists of a 0.2768 acre lot located adjacent to Woodward Street. It has been determined that the land is no longer needed for present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Joel K. Hart, PA Department of Transportation, P. O. Box 218, Montoursville, PA 17754.

**Department:** Transportation  
**Location:** Lycoming County, District 3-0  
**Duration:** 30 days  
**Contact:** Joel K. Hart, (717) 368-4237

### Sanitation—36

**E-1306** Collection and removal of refuse (trash and garbage). To receive specifications, send written request to Beverly O. Epting, Purchasing Agent, Hamburg Center, Hamburg, PA 19526 or fax (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Center, Coatesville, PA 19320  
**Duration:** July 1, 1998—June 30, 1999  
**Contact:** Beverly O. Epting, Purchasing Agent, (610) 562-6031

### Vehicle, Heavy Equipment—38

**ITQ 357011** The Department of Transportation is reopening Invitation to Qualify No. 357011 to prequalify contractors interested in renting highway and related equipment (including snow removal equipment) to Department Maintenance Districts (counties). This reopening is to prequalify contractors who did not respond to or may have responded late to the initial solicitation which closed February 6, 1998. This prequalification period will remain open until August 31, 2002. Contractors who meet all prequalification requirements will be awarded a contract and will be added to the Department's list of approved contractors. Fax requests to (717) 783-7971.

**Department:** Transportation  
**Location:** Statewide (all counties)  
**Duration:** Award until February 28, 2003  
**Contact:** Bonnie Stellfox, (717) 783-8913

### Miscellaneous—39

**X112282** Provide rental of 2,500 gallon water tank and provide delivery of bulk water to residence located in Chicora, PA.

**Department:** Environmental Protection  
**Location:** Chicora, PA  
**Duration:** Through June 30, 1999 with option to renew  
**Contact:** Ally Hubler, (717) 787-2471

**RFP No. AQCE1998-1** To continue the operation of the Small Business Technical and Compliance Program which assists small businesses in learning what is required of them by the Clean Air Acts Amendments and will expand to include waste management regulations, pollution prevention and energy efficiency.

**Department:** Environmental Protection  
**Location:** Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17105  
**Duration:** 2 years  
**Contact:** Karen Matter, (717) 772-3359

## STATE CONTRACTS INFORMATION

2011

**EDURFA** Application guidelines for the Education Mentoring Initiative, a component of the Interagency Project for Community Building, are available to interested parties who call the Director's Office, Bureau of Community and Student Services at (717) 783-3755. The Education Mentoring Initiative provides funding for nonprofit, community-based organizations working partnership with schools to link responsible, caring adults with at-risk children and youth. The mentors provide role models to help ensure students stay in school and become positive role models themselves to others in their community. Guidelines for this and other initiatives of the Project for Community Building are also available through the Commonwealth of Pennsylvania, Department of Education Internet website at (<http://www.state.pa.us>).

**Department:** Education  
**Location:** Bureau of Community and Student Services, 333 Market Street, 5th Floor, PA Department of Education, Harrisburg, PA 17126-0333  
**Duration:** Indeterminate 1997—98  
**Contact:** Shirley Gould, (717) 783-3755

**ROM-98** Rental of low air loss mattresses on an as needed basis.

**Department:** Military and Veterans Affairs  
**Location:** Southeastern PA Veterans Center, Spring City, Chester County, PA 19475  
**Duration:** July 1, 1998 through June 30, 1999  
**Contact:** Theresa Barthel, Purchasing Agent, (610) 948-2493

**RFP-980122** Provide warehousing and distribution of PLCB merchandise in South-eastern Pennsylvania. Contractor to provide facility and necessary equipment.

**Department:** Liquor Control Board  
**Location:** Southeastern Pennsylvania  
**Duration:** 5 years  
**Contact:** Nelson A. McCormick II, (717) 787-9851

[Pa.B. Doc. No. 98-656. Filed for public inspection April 24, 1998, 9:00 a.m.]



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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## STATE CONTRACTS INFORMATION

2013

## 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
0091-12	04/15/98	Dupli Envelope Corp.	686,098.60
1551117-01	04/14/98	PA Police Supply	9,859.10
1627117-01	04/14/98	Weather Shield	20,079.94
1740147-01	04/14/98	Research Electronics International	22,775.00
5680-02	04/10/98	Syracuse Castings Sales Corp.	13,674.24
5680-02	04/10/98	EA Quirin Machine Shop, Inc.	143,280.00
5680-02	04/10/98	Bill McCarroll	34,883.00
5680-02	04/10/98	Terre Hill Concrete Pre Cast	54,502.50
6505-08 RIP No. 1	04/16/98	Novartis Nutrition Corp.	318,618.05
6605-05	04/16/98	Hewlett Packard	50,000.00
6605-05	04/16/98	Fisher Scientific	900,000.00
6605-05	04/16/98	Beckman Instruments	50,000.00
6605-05	04/16/98	Sorvall, Inc.	50,000.00
6605-05	04/16/98	Lifecodes Corp.	50,000.00
6605-05	04/16/98	Delta Designs	50,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
6605-05	04/16/98	Perkin Elmer Corp.	50,000.00
6605-05	04/16/98	Tekmar Company	50,000.00
6605-05	04/16/98	Optical Apparatur Co.	50,000.00
6605-05	04/16/98	Hitech Instruments, Inc.	50,000.00
6605-05	04/16/98	Leeman Labs	50,000.00
6605-05	04/16/98	Varian Associates	50,000.00
6605-05	04/16/98	Lane Scientific	50,000.00
6605-05	04/16/98	Hach Co.	50,000.00
6605-05	04/16/98	Life Technologies, Inc.	50,000.00
8234630-01	04/14/98	Construction Crane and Tractor, Inc.	2,249,700.00
8234640-01	04/14/98	Register Chevrolet, Inc.	16,947.00
8430-08 Supp. No. 1	04/10/98	Back Open Wardrobe Specialists (Bows)	27,500.00
8504220-01	04/14/98	L. H. Jones Equipment Co.	55,958.00
9169210-01	04/14/98	Linear Dynamics, Inc.	10,750.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 98-657. Filed for public inspection April 24, 1998, 9:00 a.m.]