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# PENNSYLVANIA BULLETIN

Volume 28

Number 18

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Pages 2015—2118

**Agencies in this issue:**

The Courts  
Department of Banking  
Department of Community and  
Economic Development  
Department of Conservation and  
Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Executive Board  
Health Care Cost Containment Council  
Human Relations Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Certified Real Estate Appraisers  
State Employees' Retirement Board  
State Police  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 282, May 1998**

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**PENNSYLVANIA**



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(ISSN 0162-2137)

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# Contents

## THE COURTS

### CIVIL PROCEDURAL RULES

Amendment of Rule 2958.3(a); no. 290; doc. no. 5 ... 2026  
 Proposed amendment to discovery Rule 4007.1; proposed recommendation no. 147..... 2032  
 Technical amendment of Rule 3101 et seq.; no. 291; doc. no. 5..... 2026

### JUDICIAL CONDUCT

Amendment to the rules of procedure; doc. no. 1 JD 94..... 2025

### JUDICIAL SYSTEM GENERAL PROVISIONS

Amendment of Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement; no. 411; doc. no. 3 ... 2024  
 Amendment of Rule 301 of the Pennsylvania Rules of Disciplinary Enforcement; no. 412; doc. no. 3... 2024

### LOCAL COURT RULES

#### Adams County

Commonwealth approval of criminal complaints; no. MC-10-97..... 2033

#### Delaware County

DUI cases; doc. no. 80124-98 ..... 2033

### SUPREME COURT

1999 paid holidays for staffs of the Appellate Courts and Administrative Office of Pennsylvania Courts; no. 192; judicial administration doc. no. 1 ..... 2034  
 Sessions of the Supreme Court of Pennsylvania for the year 1999; no. 110; appellate court rules doc. no. 1..... 2034

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Statement of Policy

Check Cashier Licensing Act—statement of policy... 2049

#### Notices

Action on applications..... 2053

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Application for the HUD Regional Homeless Assistance Process..... 2054

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Conservation and Natural Resources Advisory Council; meeting notice ..... 2054  
 Proposed exchange of lands between DCNR, Bureau of Forestry, and Arlin J. Metzler..... 2055

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Rules and Regulations

Corrective amendment to 25 Pa. Code § 139.12(2) .. 2035

#### Notices

Applications, actions and special notices..... 2055  
 Availability of technical guidance ..... 2089

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Contract awards..... 2118  
 Invitation to bid ..... 2090  
 State contracts information..... 2109  
 State surplus property (2 documents) ..... 2090

### DEPARTMENT OF HEALTH

#### Notices

Organ Donation Advisory Committee meeting ..... 2091

### DEPARTMENT OF PUBLIC WELFARE

#### Notices

Application for the HUD Regional Homeless Assistance Process..... 2054

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Lucky 7's '98 instant lottery game .... 2091  
 Pennsylvania Win \$1,000 A Week For Life III instant lottery game ..... 2092

### DEPARTMENT OF TRANSPORTATION

#### Notices

Application for lease of right-of-way..... 2095  
 Finding—Wayne County..... 2095

### EXECUTIVE BOARD

#### Statements of Policy

Reorganization of the Board of Probation and Parole..... 2045  
 Reorganization of the Department of Corrections... 2045  
 Reorganization of the Pennsylvania State Police .... 2045

### HEALTH CARE COST CONTAINMENT COUNCIL

#### Notices

Mandated benefits (4 documents) ..... 2095, 2096, 2097  
 Meetings scheduled ..... 2098

### HUMAN RELATIONS COMMISSION

#### Notices

Public hearing opinion ..... 2098

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of filing of final-form rulemakings..... 2098

### INSURANCE DEPARTMENT

#### Notices

Life Assurance Company of Pennsylvania; objections of Lisa A. Stern, Esquire; no. 334 M.D. 1990; doc. no. CC98-01-010..... 2098  
 Mutual-to-stock plan of conversion; public informational hearing ..... 2099  
 Rate filing:  
     Allstate Insurance Company; mobile home insurance ..... 2099  
     Highmark Inc.; adjustment to PremierBlue allowances; filing no. 98070000 ..... 2099  
     Highmark Inc.; adjustment to PremierBlue fee schedule allowances based on site of service; filing no. 98100000..... 2099  
     Highmark Inc.; adjustment to UCR allowances; filing no. 98060000..... 2100

2018

Highmark Inc.; adjustment to UCR and PremierBlue allowances for individual component clinical lab codes; filing no. 98110000 ..... 2100

Highmark Inc.; allowances for immunizations; filing no. 98130000 ..... 2100

Highmark Inc.; reduction in PremierBlue clinical lab fee schedule allowances; filing no. 98090000..... 2100

Review procedure hearings; cancellation or refusal of insurance ..... 2100

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

GTE North Incorporated and APT Pittsburgh Limited Partnership, d/b/a Aerial Communications—telecommunications ..... 2107

Pennsylvania Electric Company—transmission lines ..... 2101

Philadelphia Suburban Water Company—water service ..... 2107

Service of notice of motor carrier applications..... 2101

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for proposals ..... 2107

**STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

**Proposed Rulemaking**

Broker/appraiser fees ..... 2036

**STATE EMPLOYES' RETIREMENT BOARD**

**Notices**

Hearings scheduled ..... 2107

**STATE POLICE**

**Proposed Rulemaking**

Uniform Firearms Act; licensed retail dealers; firearm record forms ..... 2037

**TURNPIKE COMMISSION**

**Notices**

Request for bids (2 documents) ..... 2108

Request for proposals ..... 2108

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
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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.

<b>4 Pa. Code (Administration)</b>	215 .....	881
<b>Adopted Rules</b>	217 .....	881
1 .....	219 .....	881
5 .....	220 .....	881
7 .....	224 .....	881
	225 .....	881
<b>Statements of Policy</b>	226 .....	881
9 .....	230 .....	881
	232 .....	881
	1021 .....	807
<b>10 Pa. Code (Banks and Banking)</b>	<b>28 Pa. Code (Health and Safety)</b>	
<b>Adopted Rules</b>	<b>Proposed Rulemaking</b>	
11 .....	6 .....	485, 1008
13 .....		
17 .....	<b>31 Pa. Code (Insurance)</b>	
35 .....	<b>Adopted Rules</b>	
41 .....	71 (with correction) .....	1401, 1518
	73 (with correction) .....	1401, 1518, 1941
<b>Proposed Rulemaking</b>	113 .....	1235, 1518
41 .....	131 .....	1314
	137 .....	1237
<b>Statements of Policy</b>		
41 .....	<b>34 Pa. Code (Labor &amp; Industry)</b>	
81 .....	<b>Adopted Rules</b>	
	65 .....	21
<b>12 Pa. Code (Community and Economic Development)</b>	122 .....	329
<b>Proposed Rulemaking</b>	123 .....	329
33 .....	127 .....	329
	131 .....	329
<b>Statements of Policy</b>		
61 .....	<b>37 Pa. Code (Law)</b>	
	<b>Proposed Rulemaking</b>	
<b>19 Pa. Code (Corporations and Business Associations)</b>	31 .....	2037
<b>Adopted Rules</b>	33 .....	2037
41 .....		
	<b>40 Pa. Code (Liquor)</b>	
<b>22 Pa. Code (Education)</b>	<b>Adopted Rules</b>	
<b>Adopted Rules</b>	3 .....	1418
14 .....	5 .....	1418
342 (with correction) .....	9 .....	279
	11 .....	279
<b>Proposed Rulemaking</b>	13 .....	1418
121 .....	15 .....	1418
201 .....		
211 .....	<b>Proposed Rulemaking</b>	
213 .....	13 .....	488
215 .....		
<b>25 Pa. Code (Environmental Protection)</b>	<b>49 Pa. Code (Professional and Vocational Standards)</b>	
<b>Adopted Rules</b>	<b>Adopted Rules</b>	
77 (with correction) .....	16 .....	1315, 1316
78 .....	36 .....	1941
79 .....		
80 .....	<b>Proposed Rulemaking</b>	
86 .....	1 .....	1559
93 .....	16 .....	814
103 .....	36 .....	2036
139 .....	41 .....	1421
245 (with correction) .....		
901 .....	<b>Statements of Policy</b>	
	61 .....	382
<b>Proposed Rulemaking</b>		
86 .....		
93 .....		
102 .....		



**52 Pa. Code (Public Utilities)**

**Adopted Rules**

1 ..... 647

3 ..... 647

5 ..... 647, 801

21 ..... 647

23 ..... 647

29 ..... 647

31 ..... 647

37 ..... 801

53 ..... 801

55 ..... 801

56 ..... 801

58 ..... 25

65 ..... 801, 804

69 ..... 801

71 ..... 801

**Proposed Rulemaking**

53 ..... 508

53a ..... 508

54 ..... 490, 493, 501, 508, 514, 518

57 ..... 493

**Proposed Statements of Policy**

69 ..... 1425

**55 Pa. Code (Public Welfare)**

**Proposed Rulemaking**

140 ..... 1531

181 ..... 1531

3480 ..... 1079

3490 ..... 1079

3680 ..... 953, 1320

3710 ..... 953, 1320

3760 ..... 953, 1320

3800 (with correction) ..... 953, 1138, 1320

3810 ..... 953, 1320

5310 ..... 953, 1320

6400 ..... 953, 1320

**Statements of Policy**

1101 ..... 138

1187 ..... 138

**58 Pa. Code (Recreation)**

**Adopted Rules**

21 ..... 1238

51 ..... 30, 1521, 1753

53 ..... 30

63 ..... 1753

65 ..... 1754, 1755

93 ..... 30, 34, 40, 1006

109 ..... 30

143 ..... 1316

147 ..... 1316

**Proposed Rulemaking**

53 ..... 1837

61 ..... 45, 1322, 1322, 1758, 1840

65 ..... 45, 1322, 1322, 1758, 1937

91 ..... 1533

93 ..... 1837

95 ..... 1533

97 ..... 1533

109 ..... 1533, 1954

103 ..... 1533

135 ..... 1243

139 ..... 1243

141 ..... 1243

**61 Pa. Code (Revenue)**

**Adopted Rules**

6 ..... 1522

8a ..... 1522

35 (with correction) ..... 1522, 1836

71 ..... 979

72 ..... 979

73 ..... 979

75 ..... 979

76 ..... 979

77 ..... 979

79 ..... 979

83 ..... 979

85 ..... 979

**Proposed Rulemaking**

7 ..... 366

31 ..... 366

32 ..... 366, 1320

33 ..... 366

34 ..... 366

42 ..... 366

44 ..... 366

45 ..... 366

46 ..... 366

47 ..... 366

58 ..... 366

101 ..... 1946

155 ..... 380

**67 Pa. Code (Transportation)**

**Adopted Rules**

71 ..... 364

75 ..... 364

83 ..... 364

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

83 ..... 2024

89 ..... 1834

91 ..... 1933

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

1 ..... 1632

5 ..... 359

21 ..... 1388

**Proposed Rulemaking**

1 ..... 795

3 ..... 1632

7 ..... 2025

119 ..... 646

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 359

1900 ..... 1391

2950 ..... 2026

3000 ..... 2026

4000 ..... 2026

**Proposed Rulemaking**

1910 ..... 1216

4000 ..... 2032

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

50 ..... 1126

100 ..... 1126

1400 ..... 480

**Proposed Rulemaking**

20 .....475, 1505  
 50 ..... 1510  
 100 ..... 1505  
 300 ..... 475  
 305 ..... 276  
 1100 ..... 475

**249 Pa. Code (Philadelphia Rules)**

Unclassified .....997, 1516

**252 (Allegheny County Rules)**

Unclassified ..... 133, 135, 1936

**255 Pa. Code (Local Court Rules)**

Unclassified .....8, 9, 10, 135, 136, 277, 481,  
 482, 646, 795, 796, 798, 1000, 1128,  
 1132, 1233, 1312, 1516, 1750, 1751, 1834,  
 1835, 1939, 2033

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendment of Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement; No. 411; Doc. No. 3

##### Order

*Per Curiam:*

And Now, this 9th day of April, 1998, it is ordered, pursuant to Article V, Section 10, of the Constitution of Pennsylvania, that:

1. Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as set forth in Annex A.

2. This Order shall be processed in accordance with Pa.R.J.A. 103(b). To the extent that publication of a notice of proposed rulemaking would otherwise be required with respect to the amendment adopted by this Order, such publication is hereby found to be unnecessary because the immediate adoption of this Order is required in the interests of justice.

3. The amendment to Pa.R.D.E. 219 shall take effect upon publication of this Order in the *Pennsylvania Bulletin* and shall be applicable beginning with the 1998—1999 assessment year.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 219. Periodic assessment of attorneys; voluntary inactive status.

\* \* \* \* \*

(d) On or before July 1 of each year all persons required by this rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office in accordance with the following procedures:

(1) The statement shall set forth:

\* \* \* \* \*

(v) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(vi) Such other information as the Administrative Office may from time to time direct.

\* \* \* \* \*

[Pa.B. Doc. No. 98-658. Filed for public inspection May 1, 1998, 9:00 a.m.]

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendment of Rule 301 of the Pennsylvania Rules of Disciplinary Enforcement; No. 412; Doc. No. 3

##### Order

*Per Curiam:*

And Now, this 9th day of April, 1998, it is ordered, pursuant to Article V, Section 10, of the Constitution of Pennsylvania, that:

1. Rule 301 of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as set forth in Annex A.

2. This Order shall be processed in accordance with Pa.R.J.A. 103(b). The amendments to Pa.R.D.E. 301 shall take effect upon publication of this Order in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter C. DISABILITY AND RELATED MATTERS

Rule 301. Proceedings where an attorney is declared to be [ **incompetent or is alleged to be** ] incapacitated or severely mentally disabled.

(a) The clerk of any court within this Commonwealth [ **in which** ] that declares that an attorney is [ **declared incompetent or is involuntarily committed to an institution** ] incapacitated or that orders involuntary treatment of an attorney on the grounds [ **of incompetency or disability** ] that the attorney is severely mentally disabled or that denies a petition for review of a certification by a mental health review officer subjecting an attorney to involuntary treatment shall within [ **20 days** ] 24 hours of such disposition transmit a certificate thereof to Disciplinary Counsel, who shall file such certificate with the Supreme Court.

**Official Note:** It is the responsibility of each local court to adopt any necessary procedures so that mental health officers and individual judges notify the clerk of the court that the respondent in a matter is an attorney and that a certificate must accordingly be sent to Disciplinary Counsel under this rule.

(b) Upon being advised that an attorney has been declared **[ incompetent ] incapacitated** or involuntarily committed to an institution on the grounds of **[ incompetency ] incapacity** or **severe mental** disability, Disciplinary Counsel shall secure and file a certificate in accordance with the provisions of subdivision (a) of this rule. If the declaration of **[ incompetence ] incapacity** or commitment occurred in another jurisdiction, it shall be the responsibility of Disciplinary Counsel to secure and file a certificate of such declaration or commitment.

(c) Where an attorney has been judicially declared **[ incompetent ] incapacitated** or involuntarily committed on the grounds of **[ incompetency ] incapacity** or **severe mental** disability, the Supreme Court, upon proper proof of the fact, shall enter an order transferring such attorney to inactive status effective immediately and for an indefinite period until the further order of the Court. A copy of such order shall be served upon such formerly admitted attorney, the guardian of such person, and/or the director of the institution to which such person has been committed in such manner as the Court may direct. **Where an attorney has been transferred to inactive status by an order in accordance with the provisions of this subdivision and, thereafter, in proceedings duly taken, the person is judicially declared to be competent, the Court upon application may dispense with further evidence that the disability has been removed and may direct reinstatement to active status upon such terms as are deemed proper and advisable.**

\* \* \* \* \*

(h) **[ No formerly admitted attorney transferred to inactive status under the provisions of this rule may ] Except as provided in subdivision (c), a disabled attorney may not** resume active status until reinstated by order of the Court upon petition for reinstatement pursuant to Rule 218 (relating to reinstatement). **[ Any formerly admitted attorney transferred to inactive status under the provisions of this rule ] A disabled attorney shall be entitled to apply for reinstatement to active status once a year or at such shorter intervals as the Court may direct in the order transferring the respondent to inactive status or any modification thereof. Such application shall be granted by the Court upon a showing by clear and convincing evidence that the formerly admitted attorney's disability has been removed and such person is fit to resume the practice of law. Upon such application, the Court may take or direct such action as it deems necessary or proper to a determination of whether the formerly admitted attorney's disability has been removed including a direction for an examination of the formerly admitted attorney by such qualified medical experts as the Court shall designate. In its discretion, the Court may direct that the expense of such an examination shall be paid by the formerly admitted attorney. [ Where an attorney has been transferred to inactive status by an order in accordance with the provisions of subdivision (c) of this rule and, thereafter, in proceedings duly taken, such person has been judicially declared to be competent, the Court may dispense with further evidence that the disability has been removed and may direct reinstatement to active status upon such terms as are deemed proper and advisable. ]**

\* \* \* \* \*

**(k) As used in this rule, the term "disabled attorney" means an attorney transferred to inactive status under this rule.**

**(l) See Rule 601(a) (relating to statutes and other authorities suspended or abrogated).**

[Pa.B. Doc. No. 98-659. Filed for public inspection May 1, 1998, 9:00 a.m.]

**Title 207—JUDICIAL CONDUCT**

**PART IV. COURT OF JUDICIAL DISCIPLINE  
[207 PA. CODE CH. 7]**

**Amendment to the Rules of Procedure; Doc. No. 1  
JD 94**

**Order**

*Per Curiam*

*And Now*, this 23rd day of March, 1998, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having: (1) Adopted proposed new Rules of Procedure 704 and 705, and (2) Renumbered former Rules of Procedure 704, 705 and 706, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

*That* Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

*That* interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that *Bulletin*.

**Annex A**

**TITLE 207. JUDICIAL CONDUCT  
PART IV. COURT OF JUDICIAL DISCIPLINE  
ARTICLE III. OTHER PROCEEDINGS  
CHAPTER 7. OTHER RELIEF**

**Rule 704. Motion to Dismiss.**

**(A) Any party may file a motion to dismiss the petition on any legal ground within 14 days after the service of the petition unless the Court shortens or lengthens the time for filing such motion.**

**(B) The motion shall state with particularity the grounds for the motion and the facts and legal principles which support each ground. The motion shall be divided into consecutively numbered paragraphs, each containing only one material allegation as far as practicable.**

**Rule 705. Reply to Motion to Dismiss.**

**(A) Any party may file a reply to the motion to dismiss within 10 days of the filing of the motion unless the Court shortens or lengthens the time for filing such reply.**

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

**[ Rule 705. ] Rule 706.** Preliminary Motions.

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

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

**[ Rule 704. ] Rule 707.** Verification.

A petition [ or ], answer, **motion or reply** which sets forth facts which do not already appear of record, shall be verified by [ **some person having knowledge of the facts** ] the party filing it or by counsel for the Board, subject to penalties for unsworn falsification to authorities under the Crimes Code, 18 Pa.C.S. § 4904.

**[ Rule 706. ] Rule 708.** Hearing or Argument.

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

[Pa.B. Doc. No. 98-660. Filed for public inspection May 1, 1998, 9:00 a.m.]

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# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL [231 PA. CODE CH. 2950]

### Amendment of Rule 2958.3(a); No. 290; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 17th day of April, 1998, Pennsylvania Rule of Civil Procedure 2958.3(a) is amended to read as follows.

Whereas prior distribution and publication of the amendment would otherwise be required, it has been determined that the amendment is of a perfunctory nature and that immediate promulgation is required in the interest of efficient administration.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

### CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

#### Rule 2958.3. Notice of Execution Served with Writ of Execution. Request for Prompt Hearing Limited to Issue of Waiver of Due Process Rights.

(a) Written notice in the form prescribed by Rule 2966 and a form of petition to strike the judgment and request

for prompt hearing in the form prescribed by Rule 2967 shall be served upon the defendant with the writ of execution if the property to be levied upon **or attached** consists of

- (1) personal property or
- (2) personal property and real property, not within the scope of Rule 2958.2(a)(2).

\* \* \* \* \*

#### Explanatory Comment

The amendment to Rule 2958.3(a) supplies an omission with the addition of the words "or attached". The amendment conforms the language of subdivision (a) to that of subdivision (b) which begins with the clause "If the writ has been served and property has been levied upon or attached, . . ."

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 98-661. Filed for public inspection May 1, 1998, 9:00 a.m.]

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## PART I. GENERAL

### [231 PA. CODE CHS. 3000 AND 4000]

### Technical Amendment of Rule 3101 et seq.; No. 291; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 20th day of April, 1998, the Pennsylvania Rules of Civil Procedure are amended as follows:

- 1. Rules 3231 and 3241 are rescinded.
- 2. New Rule 3159 is promulgated.
- 3. Rules 3103, 3108, 3117, 3131, 3134, 3135 are amended.
- 4. The notes to Rules 3115 and 3121(b) are rescinded.
- 5. The note to Rule 3101(b)(5) is rescinded and a new note is substituted.
- 6. The notes to Rules 3102, 3112, 3121(c), 3122, 3123.1, 3143(c), 3251, 4009.22(a) are amended.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

### CHAPTER 3000. JUDGMENTS

### Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

#### Rule 3101. Definitions; garnishee.

*The note following Rule 3101(b)(5) is rescinded and a new note is substituted to read as follows:*

\* \* \* \* \*

**Official Note:** Judgments against the Commonwealth, political subdivisions and public authorities constituting bodies corporate and politic, shall be enforced in accord with the appropriate Acts of Assembly which remain unsuspended.

As to first class townships, see The First Class Township Code of June 24, 1931, P.L. 1206, § 1711, as amended, 53 P. S. § 56711.

As to second class townships, see Second Class Township Code of May 1, 1933, P.L. 103, No. 69, § 3205, as amended, 53 P. S. § 68205.

As to boroughs, see the Borough Code of February 1, 1966, P.L. (1965) \_\_\_\_\_, No. 581, § 1303, as amended, 53 P. S. § 46303.

As to school districts, see the Act of March 10, 1949, P. L. 30, § 611, as amended, 24 P. S. § 6-611.

As to municipal authorities, state highway authorities, bridge authorities, parking authorities, public housing authorities, General State Authority, and other like public corporations, see the various applicable acts creating them, limiting the remedies of both bondholders and creditors.

The following Acts of Assembly were repealed by the Judiciary Act Repealer Act (JARA). Pursuant to Section (3)(b) of that Act, 42 Pa.C.S. § 20003(b), these statutes remain part of the common law of the Commonwealth. For an example of the application of Section 3(b) of the Act, see *Ricci v. Cuisine Management Services*, 423 Pa. Super Ct. 371, 621 A.2d 163, 165 (1993).

The County Code of August 9, 1955, P. L. 323, § 2804, 16 P. S. § 2804, as amended.

The Act of July 28, 1953, P. L. 723, § 3204, 16 P. S. § 6204 pertaining to second class counties.

**Rule 3102. Writ of execution.**

\* \* \* \* \*

**Official Note:** Civil Arrest has been abolished except as provided [ **in Rules 3250 and 1481.** ] by **Section 5108(b) of the Judicial Code, 42 Pa.C.S. § 5108(b).**

Writs of [ **fi.fa.** ] **fieri facias**, attachment execution, vendex, liberari facias and all other forms of execution writs on money judgments against property of the defendant are [ **suspended by these rules and** ] supplanted by the writ of execution provided by these rules.

Exemption and immunity of property from execution remain as heretofore. For limitations as to execution against partners or association members on judgments against partnerships or unincorporated associations, see Rules 2132 and 2155.

**Rule 3103. Commencement; issuance.**

*The notes to Rule 3103(a) and (b) are rescinded and new notes are substituted, and subdivision (e) is amended to read as follows:*

\* \* \* \* \*

**Official Note:** The following Acts of Assembly contain special procedures in connection with the issuance of the writ:

Section 428 of the Act approved June 2, 1915, P. L. 736, as amended, 77 P. S. § 951, providing for filing with the prothonotary an affidavit of default in payments before execution may issue on workmen's compensation judgments.

Section 712 of the Act approved May 15, 1933, P. L. 565, as amended, 71 P. S. § 733-712 requiring leave of court for execution against a financial institution of which the Secretary of Banking is in possession as receiver.

Section 3377 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3377, providing that execution may not issue on judgments against decedents other than on mortgages, ground rents or conditional sales of real or personal property without agreement in writing of the personal representative or approval of the Orphans' Court.

The Soldier's and Sailor's Civil Relief Act, 50 U.S.C.A. Appendix 520.

\* \* \* \* \*

**Official Note:** Rule 2959(a)(1) authorizes the defendant in a confessed judgment to move to open judgment either in the county of entry or of execution.

\* \* \* \* \*

(e) Upon issuance of the writ the prothonotary shall transmit it directly to the sheriff to whom it is directed or upon plaintiff's request deliver it to the plaintiff or [ **his** ] **the plaintiff's** representative for transmittal.

Rule 3108. Service of [ **writ** ] **Writ** [ ; ], [ **notice** ] **No-**  
**tice of [ execution ] Execution.**

(a) Service of the writ shall be made by the sheriff in the case of

(1) tangible personal property, by levy thereon or, if the property is in possession of a third person who prevents a levy or fails to make **the** property of the defendant [ **in his possession** ] available to the sheriff for levy, by serving [ **him** ] **the third person** as garnishee;

**Official Note:** The following Acts of Assembly remain unsuspended:

The Uniform Commercial Code, 13 Pa.C.S. § 7602, requiring seizure, surrender or injunction against negotiation of negotiable documents of title covering goods in the possession of a bailee.

The Uniform Commercial Code, 13 Pa.C.S. § [ **8317** ] **8112**, [ **requiring seizure or surrender or attachment at the source of investment securities** ] **providing for the legal process by a creditor to reach a certificated security, an uncertificated security and a security entitlement.**

The Pawn Brokerage Act of April 6, 1937, P. L. 200, § 21, 63 P. S. § 281-21, providing that pawnbrokers shall not be required by legal process to [ **redeem** ] **deliver** a pledge without [ **seizure,** ] **surrender**[ , or **injunction against the negotiation** ] of the pawn ticket **unless the pawn ticket has been impounded or its negotiation enjoined.**

For special provisions relating to access to safe deposit boxes see Rule 3110.

\* \* \* \* \*

**Official Note:** Only personal service upon the mortgagor or judgment debtor in the same manner as a writ of summons in a civil action will attach the personal liability of the mortgagor on [ **his** ] **the** bond or the personal liability of the judgment debtor on [ **his** ] **the** judgment.

\* \* \* \* \*

(6) All other real property in the county, by noting upon the writ a brief description of the real property levied upon and a statement that [ he ] the sheriff has levied upon the defendant's interest therein.

(b) Upon levy or attachment, the sheriff shall mail a copy of the writ to the execution defendant at [ his ] the last known address. The plaintiff shall provide the sheriff with copies of the writ and envelopes for mailing properly stamped and addressed. The sheriff shall note in [ his ] the return the mailing of the writ and the date thereof.

**Rule 3112. Service of the writ upon garnishee; real property of defendant in name of third party.**

\* \* \* \* \*

**Official Note:** Registered mail includes certified mail. See Definition Rule 76.

The remedies available under the [ Fraudulent Conveyance Act of May 21, 1921, P.L. 1045, 39 P.S. §§ 359, 360, ] Pennsylvania Uniform Fraudulent Transfer Act, 12 Pa.C.S. § 5107, are not suspended by these rules.

**Rule 3115. Writs of several plaintiffs; notation of levy.**

\* \* \* \* \*

[ **Official Note:** By the Act of June 16, 1836, P. L. 255 [ 755 ], § 85, 68 P. S. § 325, which remains unsuspended by these rules, there can be no stay of execution sale without the consent of the landlord where the goods are liable for payment of rent.

The limitations on stay as to judgments for wages are preserved by Rule 3231(13). ]

**Rule 3117. Discovery in aid of execution.**

\* \* \* \* \*

(b) All reasonable expenses in connection with the discovery may be taxed against the defendant as costs if it is ascertained by the discovery proceedings that [ he ] the defendant has property liable to execution.

**Official Note:** The immunity provisions of [ the Act of May 9, 1913, P. L. 197, 12 P. S. § 2243 ] Section 5941(b) of the Judicial Code, 42 Pa.C.S. § 5941(b), relating to the judgment debtor remain unsuspended by these rules.

**Rule 3121. Stay of execution; setting aside execution.**

\* \* \* \* \*

[ **Official Note:** As to limitations on stay against landlords and wage claimants, see Note to Rule 3115(c). ]

\* \* \* \* \*

**Official Note:** [ The Acts of Assembly requiring inquisition and condemnation of real property as a prerequisite to sale are suspended absolutely by these rules. ] The defendant may under these rules obtain a stay upon a showing that the net rents or income can satisfy the judgment, interest and costs within a reasonable time, that a stay will not imperil the ultimate collection of the judgment and that in balancing the equities no undue hardship will be inflicted on the

plaintiff. The court may in granting stay provide for payment to the plaintiff or may order sequestration of the rents or income.

\* \* \* \* \*

**Rule 3122. Venue of stay and other proceedings.**

\* \* \* \* \*

**Official Note:** By Rule 3141(b) the garnishee is given a similar option as to the venue of the proceedings.

[ The Act of March 27, 1945, P. L. 83, 12 P. S. §§ 913—914, authorizing ] Rule 2959(a)(1) authorizes the defendant in a confessed [ judgments ] judgment to petition to open the judgment in the county in which the judgment [ was originally ] is entered or in the county of execution[ , remains unsuspended by these rules ].

**Rule 3123.1. Claim for exemption or immunity of property; prompt hearing.**

\* \* \* \* \*

**Official Note:** Pennsylvania and Federal law provide numerous exemptions of property from execution, including the following:

Exemptions under Pennsylvania Law

1. General \$300 statutory exemption, 42 Pa.C.S. § 8123

2. Particular personal property exemption—wearing apparel, bibles and school books, sewing machines, uniforms and equipment, 42 Pa.C.S. § 8124(a)

3. Certain retirement funds and accounts, 42 Pa.C.S. § 8124(b):

Public School Employes' Retirement Fund, 24 [ P. S. ] Pa.C.S. § 8533 and 42 Pa.C.S. § 8124(b)(1)(i).

State Employes' Retirement Fund, 42 Pa.C.S. § 8124(b)(1)(ii) and 71 [ P. S. ] Pa.C.S. § 5953.

Police Pension Funds, [ 53 P. S. § 761 ] 42 Pa.C.S. § 8124(b)(1)(iii).

Philadelphia Pension Fund, [ 53 P. S. § 13431 ] 42 Pa.C.S. § 8124(b)(1)(iv).

Pittsburgh Pension Fund, [ 53 P. S. § 23561 ] 42 Pa.C.S. § 8124(b)(1)(v).

Pennsylvania Municipal [ Employes ] Retirement Fund, [ 53 P. S. § 881.101 et seq. ] 42 Pa.C.S. § 8124(b)(1)(vi).

Private employes' pensions or annuity funds, 42 Pa.C.S. § [ 8124(b)(7) ] 8124(b)(1)(vii).

Self-employed retirement or annuity funds, 42 Pa.C.S. § [ 8124(b)(8) ] 8124(b)(1)(viii).

Retirement or annuity funds provided for under the Internal Revenue Code, 42 Pa.C.S. § 8124(b)(1)(ix).

4. Certain insurance proceeds, 42 Pa.C.S. § 8124(c): Fraternal society benefits, 42 Pa.C.S. § 8124(c)(1), (8).

Workmen's [ Compensation ] compensation, 42 Pa.C.S. § 8124(c)(2).

Group insurance, 42 Pa.C.S. § 8124(c)(5).

Life insurance and annuities, 42 Pa.C.S. § 8124(c)(3), (4), (6).

Accident and disability insurance, 42 Pa.C.S. § 8124(c)(7).

No-fault motor vehicle accident benefits, [ 40 P.S. § 1009.106(f) ] 42 Pa.C.S. § 8124(c)(9).

**Unemployment Compensation, 42 Pa.C.S. § 8124(c)(10).**

5. Personal earnings, subject to the exceptions under 23 Pa.C.S. Pt. IV relating to divorce and for support, board, certain damages arising from a residential lease, and student loan obligations, 42 Pa.C.S. § 8127.

[ **Unemployment Compensation, 43 P.S. § 863.** ]

6. Tangible personal property on international exhibition, 42 Pa.C.S. § 8125.

7. Common carrier, property in interstate transit, 42 Pa.C.S. § 8126.

**8. Certain veteran benefits.**

**Veterans' litigation awards (Vietnam herbicide), 51 Pa.C.S. § 7902(a)**

**Sums payable under:**

**the Veterans' Compensation Act, 51 P.S. § 20012.**

**the World War II Veterans Compensation Act, 51 P.S. § 20048.**

**the Korean Conflict Veterans Compensation Act, 51 P.S. § 20098.**

**the Vietnam Conflict Veterans' Compensation Act, 51 P.S. § 20127.**

Exemptions under Federal Law

1. Certain wages and compensation:

Longshoremen's and harborworkers' compensation, 33 U.S.C. § 916.

[ **Merchant seamen's wages, 46 U.S.C. § 601.** ]

Injury or death resulting from war-risk hazard, 42 U.S.C. § 1717.

2. Social Security benefits, 42 U.S.C. § 407.

3. Certain retirement funds and accounts:

Civil Service, 5 U.S.C. § 8346(a).

Foreign Service, 22 U.S.C. § [ 1104 ] 4060(c).

Railroad Retirement, 45 U.S.C. [ § 228L, ] 231m.

Judges' widows' annuities, 28 U.S.C. § 376(n).

4. Certain veteran and armed forces benefits:

Laws administered by the Veterans Administration, 38 U.S.C. [ § 3101 ] §§ 1970 and 5301.

Armed Forces Survivor Benefit Plan, 10 U.S.C. § 1450(i).

Savings deposited with armed forces, 10 U.S.C. § 1035(d).

Medal of Honor Roll Special Pension, 38 U.S.C. § 1562(c).

5. Miscellaneous:

Property of a foreign state, 28 U.S.C. §§ 1609, 1611.

[ **Homestead Land, 43 U.S.C. § 175.** ] Rail Fund, 45 U.S.C. § 822(e).

**Rule 3131. Sale of real property located in more than one county.**

\* \* \* \* \*

(c) The court may enter judgment upon the pleadings or take evidence by deposition or otherwise, shall decree the extent of the real property which shall be subjected to execution, describing it by metes and bounds, shall designate the place of sale, and shall control the distribution of the proceeds of sale. **The court may apportion the proceeds so as to satisfy prior lienors, including those having a lien upon a portion of a single tract which lay in a different county and which was not sold on execution.**

**Official Note: Section 12 of the Act of June 13, 1840, P.L. 689, 12 P.S. § 2491, remains unsuspending insofar as it authorizes the court to apportion the proceeds for the satisfaction of liens. See Rule 3241(40).**

\* \* \* \* \*

**Rule 3134. Transfer of personal property to purchaser.**

When [ the sheriff sells ] selling personal property in execution [ he ] the sheriff shall, upon request of the purchaser, execute and deliver to the purchaser a sheriff's bill of sale setting forth the caption of the case and a description of the property. When [ the sheriff sells ] selling securities or documents of title, [ he ] the sheriff shall, upon request, endorse said document in the name of the defendant as follows:

"Defendant \_\_\_\_\_ by \_\_\_\_\_,  
(Name of Defendant)

Sheriff of \_\_\_\_\_ County, pursuant to execution upon a judgment against the above named in the Court of \_\_\_\_\_ County, at Case Number \_\_\_\_\_ [ , \_\_\_\_\_ Term 19\_\_ ]."

**Official Note: [ The provisions of the Motor Vehicle Code ] Sections 1114 and 1116 of the Vehicle Code, 75 Pa.C.S. §§ 1114, 1116, relating to transfer of [ certificate of title pursuant to judicial sale ] of vehicle by operation of law and prescribing the procedure, remain unsuspending by these rules. [ See Act of April 29, 1959, P.L. 58, § 208, as last amended, October 26, 1972, P.L. 1020, No. 249, § 1, 75 P.S. § 208. ]**

**Rule 3135. Sheriff's deed to real property; correction of deed.**

(a) [ **When the sheriff sells real property in execution, he shall, at the expiration of ten (10) days after the filing of the schedule of distribution, if no petition has been filed to set aside the sale, execute and acknowledge before the prothonotary a deed to the property sold.** ] When real property is sold in execution and no petition to set aside the sale has been filed, the sheriff, at the expiration of ten days after the filing of the schedule of distribution, shall execute and acknowledge before the prothonotary a deed to the property sold. The sheriff shall forthwith deliver the deed to the appropriate officers for recording and for registry if required. Confirmation of the sale by the court shall not be required.



(b) If the sheriff has made a defective return of the execution proceeding or has executed a defective deed, including the erroneous description of the real estate, the court upon petition of the purchaser or the purchaser's successors in title may correct the return or deed or order that a new return or deed be executed.

[ Official Note: The Acts of Assembly providing for correction of defective execution of the deed, defective return or errors or misdescriptions remain unsuspended by these rules. Acts of June 16, 1836, P. L. 755, § 104, 12 P. S. § 2543, April 21, 1846, P. L. 430, 12 P. S. § 2544, and June 24, 1895, P. L. 246, 12 P. S. § 2545. ]

**Rule 3143. Dissolution of attachment; release of property; bond.**

\* \* \* \* \*

**Official Note:** For further remedies available to a third person claiming attached property, see Rules on Intervention, 2326 et seq.; Rules on Interpleader, 2301 et seq. and Rules on Sheriff's Interpleader [ Act of June 22, 1931, P. L. 883, 12 P. S. § 2368. ], 3201 et seq.

(Editor's Note: The following is a new rule. It is printed in regular type to enhance readability.)

**Rule 3159. Acts of Assembly not suspended.**

(a) The following Acts of Assembly shall not be deemed suspended or affected:

(1) Section 428 of the Act approved June 2, 1915, P. L. 736, as amended, 77 P. S. § 951.

**Official Note:** This Section of the Workmen's Compensation Act provides that execution may issue on a workmen's compensation judgment upon first filing with the prothonotary an affidavit of default in payments.

(2) Section 1 of the Act approved May 7, 1929, P. L. 1589, as amended, 68 P. S. § 322.

**Official Note:** This Act provides for landlord's priority for rent under execution sale against tenant.

(3) Section 1711 of the Act of June 24, 1931, P. L. 1206, as amended, 53 P. S. § 56711.

**Official Note:** This section of the First Class Township Code provides for a special levy to pay debts.

(4) Section 3205 of the Act of May 1, 1933, P. L. 103, No. 69, as amended, 53 P. S. § 68205.

**Official Note:** Subdivision (b) of this section of the Second Class Township Code provides for a special levy to pay debts.

(5) Section 712 of the Act of May 15, 1933, P. L. 565, as amended, 71 P. S. § 733-712.

**Official Note:** This section requires leave of court for execution against a financial institution of which the Secretary of Banking is in possession as receiver.

(6) Section 1 of the Act approved May 24, 1933, P. L. 987, 40 P. S. § 117.

**Official Note:** This Section relates to the right of plaintiff to maintain an action against an indemnity insurer upon return of execution unsatisfied against insured.

(7) Section 21 of the Act approved April 6, 1937, P. L. 200, 63 P. S. § 281-21.

**Official Note:** This section relates to pawnbrokers' liens on pledged goods and the prohibition against legal process requiring a pawnbroker to deliver a pledge without surrender of the ticket unless the ticket has been impounded or its negotiation enjoined.

(8) Section 611 of the Act of March 10, 1949, P. L. 30, as amended, 24 P. S. § 6-611.

**Official Note:** This section of the Public School Code of 1949 provides for the enforcement of judgments against school districts.

(9) As to boroughs, see the Borough Code of February 1, 1966, P. L. (1965) \_\_\_\_\_, No. 581, as amended, 53 P. S. § 46303.

**Official Note:** This section of the Borough Code provides for a special levy to pay debts.

(10) Any Act of Assembly providing immunity or exemption of property from execution.

**Official Note:** This Section is intended to preserve the numerous Acts of Assembly providing for immunity or exemption of particular types or classes of property from execution. The practice and procedure as to claiming or waiving exemption or immunity is governed by these rules.

(b) The following provisions of the Consolidated Statutes shall not be deemed suspended or affected:

(1) Section 5107 of the Pennsylvania Uniform Fraudulent Transfer Act, 12 Pa.C.S. § 5107.

**Official Note:** This section of the Pennsylvania Uniform Fraudulent Transfer Act relates to remedies of creditors.

(2) The Uniform Commercial Code, 13 Pa.C.S. § 1101 et seq.

(3) Section 8345 of Associations Code, 15 Pa.C.S. § 8345.

**Official Note:** This Section of the Uniform Partnership Act relates to charging orders in execution against partnership interests.

(4) Section 8563 of the Associations Code, 15 Pa.C.S. § 8563.

**Official Note:** This Section of the Pennsylvania Revised Limited Partnership Act relates to charging orders in execution against limited partnership interests.

(5) Section 3377 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3377.

**Official Note:** This section of the Probate, Estates and Fiduciaries Code provides that execution shall not issue against property of the estate of a decedent upon judgment, other than mortgages, ground rents, pledges or conditional sales of real or personal property, without agreement in writing of the personal representative or approval of the Orphans' Court.

(6) Section 2503(2) and (3) of the Judicial Code, 42 Pa.C.S. § 2503(2) and (3).

**Official Note:** These sections relate to the right of a garnishee to receive counsel fees.

(7) Section 5105(f) of the Judicial Code, 42 Pa.C.S. § 5105(f).

**Official Note:** This Section provides that the reversal or modification of any order of a court in a matter in which the court has jurisdiction of the sale, mortgage, exchange or conveyance of real or personal property shall not impair or divest any estate or interest acquired thereunder by a person not a party to the appeal.

(8) Section 8151 of the Judicial Code, 42 Pa.C.S. § 8151.

**Official Note:** This section requires officers conducting judicial sales of property to give twenty days notice in writing to the Pennsylvania Department of Revenue.

(9) Sections 8123(b)(3) and (4) of the Judicial Code, 42 Pa.C.S. §§ 8123(b)(3) and (4).

**Official Note:** These Sections provide that there shall be no exemption of property in executions upon judgments for board for four weeks or less or for wages of \$100 or less for manual labor.

(10) Section 8127(b) of the Judicial Code, 42 Pa.C.S. § 8127(b).

**Official Note:** This Section prohibits the commencement of actions or transfer of claims for collection outside of the Commonwealth to defeat a claim for exemption.

(11) Sections 1114 and 1116 of the Vehicle Code, 75 Pa.C.S. §§ 1114, 1116.

**Official Note:** These sections relate to change of ownership by operation of law and the issuance of certificates of title.

**ACTS OF ASSEMBLY NOT SUSPENDED**

**Rule 3231. Acts of Assembly not suspended.**

**Rescinded.**

**Official Note:** See Rule 3159 for the preservation of the Acts of Assembly formerly preserved by this rule.

**ACTS OF ASSEMBLY SUSPENDED**

**Rule 3241. Acts of Assembly suspended.**

**Rescinded.**

**Official Note:** The statutes formerly suspended by this rule have been repealed.

**FORMS**

Rule 3251. Praeipice for [ writ ] Writ of [ execution ] Execution. [ — ] [ money ] Money [ judgment ] Judgments.

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

Paragraph (4)(a) should be completed only if indexing of the execution in the county of issuance is desired as authorized by Rule 3104(a)(1). When the writ issues to another county indexing is required as of course in that county by the prothonotary. See Rule 3104(b).

\* \* \* \* \*

**CHAPTER 4000. DEPOSITIONS AND DISCOVERY  
SUBPOENA UPON A PERSON NOT A PARTY**

**Rule 4009.22. Service of Subpoena.**

\* \* \* \* \*

**Official Note:** For the form of the certificate, see Rule 4009.25.

**The twenty-day advance notice is for the benefit of the parties and not the person served. The twenty-day notice period may be waived and the certificate modified accordingly.**

\* \* \* \* \*

**Explanatory Comment**

*I. Execution Rule 3101 et seq.*

The Judiciary Act Repeater Act (JARA) became law in 1978, repealing literally thousands of statutory provisions governing civil practice and procedure and amending many others. Since that time the many references to these repealed and amended statutes contained in the Rules of Civil Procedure have gradually been eliminated. This process has continued with the elimination from Rules 3101 through 3149, with the exception of Rule 3104, of all obsolete references and citations and the making of necessary conforming amendments. These amendments are technical in nature and do not affect practice and procedure. Rule 3104 governing indexing the writ of execution will be the subject of a future recommendation.

Several revisions merit further mention.

*Rule 3101*

A new note to Rule 3101 replaces the current note. It incorporates the substance of the current note, deletes references to repealed statutes and includes references to successor statutes. In addition, the note continues to advise that the enforcement of judgments against the Commonwealth, political subdivisions and public authorities must be in accord with the appropriate Act of Assembly. The note mentions two such statutes which, although repealed by JARA, contain practice and procedure which remain part of the common law of the Commonwealth pursuant to Section (3)(b) of that Act, 42 Pa.C.S. § 20003(b).

*Rule 3131*

Rule 3131 is amended by incorporating the practice under Section 12 of the Act of June 13, 1840, P. L. 689, 12 P. S. § 2491 (repealed), which authorized the court to apportion the proceeds of an execution sale of real property for the satisfaction of liens. That statute provided in relevant part:

§ 2491. Proceedings when lands in adjoining counties are levied on

... In case there shall be any liens on the parts of said lands, lying in the adjoining county or counties, in which the above mentioned proceedings are directed to be filed and entered, existing previous to filing and entering such proceedings, the court shall, after the return of the sale, ascertain and determine, in which manner as they may think proper, what proportion of the proceeds of such sale shall be applied in satisfaction of such previous liens.

*Rule 3135*

JARA repealed the following Acts: the Act of June 16, 1836, P. L. 755, § 104, 12 P. S. § 2543, providing for correction of a defective execution of a sheriff's deed, the Act of April 21, 1846, P. L. 430, 12 P. S. § 2544, providing for amendment of a defective sheriff's return, and the Act

of June 24, 1895, P. L. 246, 12 P. S. § 2545, providing for correction of an error in the description of real estate in a sheriff's deed. Rule 3135 has been revised to incorporate these correction practices. The text of these statutes is set forth in Endnote No. 1 following this comment.

*Rules 3159 and 3231*

Former Rule 3231 governed the preservation of Acts of Assembly relating to the enforcement of judgments for the payment of money. Many of the statutes preserved by Rule 3231 had been repealed by JARA. Rule 3231 has been rescinded and the provisions of Rule 3231 preserving statutes which have not been repealed have been transferred to new Rule 3159. Subdivision (a) of the new rule preserves Acts which are part of the Unconsolidated Statutes (\_\_\_ P. S. § \_\_\_\_\_) while subdivision (b) preserves Acts which form part of the Pennsylvania Consolidated Statutes (\_\_\_ Pa.C.S. § \_\_\_\_).

II. *Discovery Rule 4009.22*

Members of the bar had expressed concern that Rule 4009.21 et seq. governing the subpoena for the production of documents or things from a person not a party does not contain any reference to a waiver of the required twenty-day notice period. It was suggested that, if the parties agreed, they might dispense with the twenty-day period and thus expedite the production of the materials sought. Consequently, a second paragraph has been added to the note to Rule 4009.22(a) advising of the ability to waive the notice period and modify the certificate required by that rule as a prerequisite to service of the subpoena.

*By the Civil Procedural  
Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

**Endnote**

1. The repealed statutes read as follows:

*§ 2543. Correction of defective execution*

The several courts aforesaid shall have the like power to compel the sheriff or coroner making sale as aforesaid to perfect the title of purchasers, in cases of defective or informal execution of sheriffs' or coroners' deeds, and they may grant relief in the manner, and upon the terms and conditions aforesaid, and with like effect.

*§ 2544. Amendments to defective returns*

In all cases where any real estate hath been heretofore sold, or shall hereafter be sold, under any execution issued out of any of the courts of record in this commonwealth, and the sheriff, or other officer making such sale, shall have made, or hereafter may make a defective or informal return of his proceedings upon each execution, it shall be lawful for the purchaser at such sale, or other person or persons interested therein, to apply by bill or petition to the court out of which such execution issued, setting forth the facts of the case; and after due notice, to be given in such manner as the court may direct, to such purchaser or defendant in the execution, as whose property the same may have been sold, or to the executors, or administrators and heirs of such purchaser or defendant, or devisee of such estate, and to all other persons interested therein, to appear in such court, on a day certain, to be fixed by said court, and answer such bill or petition; and thereupon the said court shall have power to examine into the facts of the case, and make such order and decree therein as justice and equity may require, either by dismissing such bill or petition, or by correcting and amending such return to the execution, according to

the truth of the case; and directing the sheriff, for the time being, to execute a deed of such real estate to the purchaser thereof, or to such other person or persons, for the use of such as may be entitled thereto, under such sale, upon such terms and conditions as the said court may determine, and justice and equity require; which deed, so executed and acknowledged, as sheriffs' deeds are usually acknowledged, shall be as effectual in law as if the proper return had been made, and the title had been completed according to law.

*§ 2545. Correction of error in description*

When real estate has been correctly described in the sheriff's return to the writ of fieri facias, and error has occurred in the description in the writ of vendition, exonas, or deed issued thereon, or both, the purchaser, or his successors in title, may apply within one year from the date of the aforesaid deed to the court of common pleas, by petition to correct the error; and the said court having jurisdiction of the aforesaid writ, after due notice to the defendant in the aforesaid writ and all parties in interest, may correct the aforesaid deed, or issue a new deed, in conformity with the writ of fieri facias, to be acknowledged by the acting sheriff, and fix the costs as for similar services which shall be paid by the applicant; Provided, The purchaser or purchasers, or his or their successors, have possession under the deed originally executed and no titles have passed: And provided further, That errors of description in the fieri facias shall not be cured by this act.

[Pa.B. Doc. No. 98-662. Filed for public inspection May 1, 1998, 9:00 a.m.]

**PART I. GENERAL**

**[231 PA. CODE CH. 4000]**

**Proposed Amendment to Discovery Rule 4007.1;  
Proposed Recommendation No. 147**

The Civil Procedural Rules Committee is proposing to amend Rule of Civil Procedure 4007.1 governing the procedure in deposition by oral examination. The proposed recommendation has not been submitted to the Supreme Court of Pennsylvania for review but is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than June 5, 1998 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055, or e-mail to civil.rules@court.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 4000. DEPOSITIONS AND DISCOVERY**

**Rule 4007.1. Procedure in Deposition by Oral Examination.**

\* \* \* \* \*

**(f) An application for an order pursuant to Section 5326(a) of the Judicial Code may be filed only in the county in which the person who is the subject of the order resides, is employed or regularly transacts business in person.**

**Official Note: Section 5326 of the Judicial Code, 42 Pa.C.S. § 5326, a part of the Uniform Interstate and International Procedure Act, provides for assistance to tribunals and litigants outside the Commonwealth.**

**Explanatory Comment**

Section 5326 of the Judicial Code, 42 Pa. C.S. § 5326, relating to "Assistance to tribunals and litigants outside this Commonwealth with respect to depositions" provides:

(a) General Rule.—A court of record of this Commonwealth may order a person who is domiciled or is found within this Commonwealth to give his testimony or statement or to produce documents or other things for use in a matter pending in a tribunal outside this Commonwealth.

\* \* \* \* \*

The suggestion has been made that there should be a limitation upon the county from which an order may be sought so that the person who is the subject of the order is not put to unreasonable expense or burden. For example, a resident of Erie should not have to travel to Easton to object to an order obtained in connection with litigation outside the Commonwealth. The addition of new subdivision (f) to Rule 4007.1 responds to this concern.

*By the Civil Procedural Rules Committee*

EDWIN L. KLETT,  
*Chairperson*

[Pa.B. Doc. No. 98-663. Filed for public inspection May 1, 1998, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**ADAMS COUNTY**

**Commonwealth Approval of Criminal Complaints; No. MC-10-97**

**Local Rule 107. Approval of Certain Police Complaints by Attorney for the Commonwealth**

The District Attorney of Adams County having filed a certification pursuant to Pa.R.Crim.P. 107, criminal complaints and arrest warrant affidavits by police officers charging any of the following felony crimes:

- a. 18 Pa.C.S. Section 3121—Rape (graded as a felony of the first degree)
- b. 18 Pa.C.S. Section 3122.1—Statutory Sexual Assault (graded as a felony of the second degree)
- c. 18 Pa.C.S. Section 3123—Involuntary Deviate Sexual Intercourse (graded as a felony of the first degree)

d. 18 Pa.C.S. Section 3124.1—Sexual Assault (graded as a felony of the second degree)

e. 18 Pa.C.S. Section 3125—Aggravated Indecent Assault (graded as a felony of the second degree) shall not hereafter be accepted by a judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

The effective date of this rule shall be upon conformity with Pa.R.Crim.P. 6.

*By the Court*

OSCAR F. SPICER,  
*President Judge*

[Pa.B. Doc. No. 98-664. Filed for public inspection May 1, 1998, 9:00 a.m.]

**DELAWARE COUNTY**

**DUI Cases; Doc. No.: 80124-98**

**Order**

*And Now*, this 8th day of April, 1998, it is hereby *Ordered and Decreed* as follows:

1) Each person charged with a Driving Under the Influence Offense in the County of Delaware is required to complete the Court Reporting Network (C. R. N.) Evaluation exclusively in the County of Delaware on each and every DUI Offense.

2) Each defendant charged with a Driving Under the Influence Offense in the County of Delaware is required to complete the required Community Service Hours, and the Track 1 or Track 2 Alcohol Highway Safety Educational Classes exclusively in the County of Delaware. Any exception to this Section must be approved by Walter R. Omlor, Jr., Executive Assistant, Department of Community Corrections.

3) Each defendant who is required to complete DUI outpatient treatment, and who resides within the County of Delaware, is required to complete DUI outpatient treatment exclusively at one of the five (5) Delaware County Approved DUI facilities; namely, Life Guidance Services, Crozer, ChesPenn Health Services, Mirmont, or Focus Counseling Center.

4) Each defendant who is required to complete DUI outpatient treatment, and resides outside of the County of Delaware, is permitted to complete this requirement at a licensed drug and alcohol facility in his/her home County or State, as long as the County of Delaware is provided with admittance and completion requirements prior to registration.

*By the Court*

A. LEO SERENI,  
*President Judge*

[Pa.B. Doc. No. 98-665. Filed for public inspection May 1, 1998, 9:00 a.m.]

# SUPREME COURT

1999 Paid Holidays for Staffs of the Appellate Courts and Administrative Office of Pennsylvania Courts; No. 192; Judicial Administration Doc. No. 1

## Order

*Per Curiam:*

*And Now*, this 17th day of April, 1998 it is hereby ordered that the following paid holidays for calendar year 1999 will be observed by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 1, 1999	New Year's Day
January 18, 1999	Martin Luther King, Jr. Day (Observed)
February 15, 1999	Presidents' Day
April 2, 1999	Good Friday
May 31, 1999	Memorial Day (Observed)
July 5, 1999	Independence Day (Observed)
September 6, 1999	Labor Day
October 11, 1999	Columbus Day (Observed)
November 2, 1999	Election Day
November 11, 1999	Veterans Day
November 25, 1999	Thanksgiving Day
November 26, 1999	Day After Thanksgiving
December 24, 1999	Christmas Day (Observed)

[Pa.B. Doc. No. 98-666. Filed for public inspection May 1, 1998, 9:00 a.m.]

Sessions of the Supreme Court of Pennsylvania for the Year 1999; No. 110; Appellate Court Rules Doc. No. 1

## Order

*Per Curiam:*

*And Now*, this 17th day of April, 1998, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 1999 as follows:

Philadelphia	February 1 through February 5
Pittsburgh	March 8 through March 12
Harrisburg	April 26 through April 30
Philadelphia (Administrative Session)	June 2, 1999
Pittsburgh	September 13 through September 17
Philadelphia	October 18 through October 22
Harrisburg	November 15 through November 19
Pittsburgh (Administrative Session)	December 2, 1999

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 98-667. Filed for public inspection May 1, 1998, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 139]

Corrective Amendment to 25 Pa. Code § 139.12(2)

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 139.12(2) (relating to emissions of particulate matter) as deposited with the Legislative Reference Bureau and as published at 27 Pa.B. 6804 (December 27, 1997) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 280) and as it currently appears in the *Pennsylvania Code*. The word "weight" was inadvertently dropped from paragraph (2) upon codification of the amendment.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 139.12(2). The corrective amendment to 25 Pa. Code § 139.12(2) is effective as of March 7, 1998, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 139.12(2) appears in Annex A, with ellipses referring to the existing text of the regulation.

### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE III. AIR RESOURCES

#### CHAPTER 139. SAMPLING AND TESTING

#### § 139.12. Emissions of particulate matter.

Tests for determining emissions of particulate matter from stationary sources shall conform with the following:

\* \* \* \* \*

(2) Isokinetic sampling procedures shall be used in sampling for particulate matter emissions and the weight determined gravimetrically after the removal of uncombined water.

\* \* \* \* \*

[Pa.B. Doc. No. 98-668. Filed for public inspection May 1, 1998, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

### [49 PA. CODE CH. 36] Broker/Appraiser Fees

The State Board of Certified Real Estate Appraisers (Board) proposes to amend § 36.6 (relating to fees) to read as set forth in Annex A.

Section 36.6 sets forth a schedule of fees currently charged by the Board. The proposed amendment would add to this schedule two fees relating to the newly created certification class of broker/appraiser: an application fee of \$40 and an initial certification fee of \$90 (if certification occurs between July 1, 1997, and June 30, 1998) or \$45 (if certification occurs between September 3, 1996, and June 30, 1997, or on or after July 1, 1998).

#### *Background and Purpose*

The act of July 2, 1996 (P. L. 460, No. 71) (Act 71) amended section 6 of the Real Estate Appraisers Certification Act (REACA) (63 P. S. § 457.6) to establish the certification class of broker/appraiser. The broker/appraiser certification permits eligible real estate brokers to perform real estate appraisals in non-Federally related transactions after their authority to do so under the REACA expires September 3, 1998. Real estate brokers who are licensed in good standing as of September 3, 1996, and who submit qualifying applications to the Board between September 3, 1996, and September 3, 1998, are eligible for certification as broker/appraisers.

The proposed application fee would defray (1) the identifiable costs incurred by the Board in reviewing and processing an application for broker/appraiser certification; and (2) a portion of the Board's administrative overhead.

The proposed initial certification fee (to be prorated depending on when certification occurs during the Board's biennial renewal cycle, which begins July 1 of the odd-numbered years) would defray a portion of the Board's general operating expenses (such as, legal services, investigative activities and administrative support). These costs are not susceptible of being apportioned to a specific segment of the persons regulated by the Board and, therefore, must be borne by the entire regulated community. The same two-tiered fee is charged to newly certified persons in the Board's other certification classes (that is, general appraiser, residential appraiser, Pennsylvania evaluator).

Rather than delay the processing of broker/appraiser applications pending regulatory approval of the proposed fees, the Board has been issuing certificates to qualified applicants throughout the 2-year application period that began September 3, 1996, and intends to bill certificateholders for the fees upon completion of final rulemaking. Prospective applicants have been given notice of the proposed fees and of the Board's intention to

deny biennial renewal of certification to those who fail to pay the fees.

#### *Fiscal Impact*

The Board projects that approximately 3,500 real estate brokers will apply for and be issued broker/appraiser certificates. The Board also projects that about 92% of the certificateholders will be assessed the \$45 initial certification fee rather than the \$90 initial certification fee because their certifications will have occurred before July 1, 1997, or after June 30, 1998. Accordingly, the Board estimates that the application fee for broker/appraiser will generate revenues of \$140,000 (3,500 applications × \$40) while the initial certification fee for broker/appraiser will generate revenues of \$170,100 (3,220 certifications × \$45 and 280 certifications × \$90).

#### *Paperwork Requirements*

The proposed fees will not create additional paperwork for the Board and the regulated community. The fees will be invoiced as part of the biennial renewal notices sent to certificateholders.

#### *Statutory Authority*

Section 5(6) of the REACA (63 P. S. § 457.5(6)) authorizes the Board to establish fees for its operation. Section 9 of the REACA (63 P. S. § 457.9) requires the Board to fix the fees by regulation and to ensure that the revenues derived from the fees are adequate to cover the Board's expenses.

#### *Compliance with Executive Order 1996-1*

In accordance with the requirements of Executive Order 1996-1 (relating to regulatory review and promulgation), the Board, in developing the proposed fees, solicited comments from the major trade organizations that represent the various segments of the regulated community.

#### *Regulatory Review*

On April 17, 1998, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted copies of this notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Standing Committee on Consumer Protection and Professional Licensure and the House Standing Committee on Professional Licensure. The Board also provided IRRC and the Committees with copies of regulatory analysis and fee report forms prepared in compliance with Executive Order 1996-1. Copies of these forms are available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to either or both of the proposed fees, it will notify the Board within 10 days of the close of the Committees' review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures that permit IRRC, the General Assembly and the Governor to review objections prior to final adoption of the fees.

#### *Public Comment*

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed fees to Steven Wennberg, Counsel, State Board of

Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

DAVID J. KING,  
*Chairperson*

**Fiscal Note:** 16A-707. No fiscal impact; (8) recommends adoption.

**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 A. GENERAL PROVISIONS**

**GENERAL PROVISIONS**

**§ 36.6. Fees.**

The following is the schedule of fees charged by the Board:

\* \* \* \* \*

*Certified Real Estate Appraisers*

\* \* \* \* \*

***Certified Broker/Appraisers***

<b>Application fee</b> .....	<b>\$40</b>
<b>Initial certification (if certified between July 1, 1997, and June 30, 1998)</b> .....	<b>\$90</b>
<b>Initial certification (if certified between September 3, 1996, and June 30, 1997, or on or after July 1, 1998)</b> .....	<b>\$45</b>

*Certified Pennsylvania Evaluators*

\* \* \* \* \*

[Pa.B. Doc. No. 98-669. Filed for public inspection May 1, 1998, 9:00 a.m.]

**STATE POLICE**

**[37 PA. CODE CHS. 31 AND 33]**

**Uniform Firearms Act; Licensed Retail Dealers; Firearm Record Forms**

As a requirement of the act of June 26, 1995 (P. L. 88, No. 17), the act of November 22, 1995 (P. L. 621, No. 66), the act of February 15, 1997 (P. L. 13, No. 5) and the act of July 2, 1996 (P. L. 481, No. 77) (acts) (relating to the Administrative Regulations Regarding the Uniform Firearms Act), these proposed amendments are necessary for the general administration of 18 Pa.C.S. Chapter 61, Subchapter A (relating to Uniform Firearms Act). These proposed amendments are to be implemented immediately upon adoption of the final-form regulations. The proposed amendments set forth the administration, policies and procedures designed to carry out the provisions of these acts.

*Benefits*

These proposed amendments will clearly benefit the citizens of this Commonwealth by establishing procedures to prevent prohibited persons from obtaining firearms.

*Effect*

The proposed amendments will affect various criminal justice agencies, the courts, mental health providers, firearm sellers and firearm purchasers by means of reporting, recordkeeping and confidentiality requirements.

*Paperwork Requirements*

The proposed amendments will require the completion of additional forms, reports or other paperwork as prescribed and provided by the State Police.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 15, 1998, the State Police submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee. In addition to submitting the proposed amendments, the State Police has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of the material is also 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 State Police 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, prior to final publication of the amendments, by the State Police, the General Assembly and the Governor of objections raised.

*Sunset Date*

No sunset date has been assigned, however, every facet of these proposed amendments will be continuously reviewed for effectiveness, clarity and whether they are serving the greater interests of citizens of this Commonwealth.

*Public Hearings*

These proposed amendments have been written in consultation with various criminal justice agencies. In addition, representatives from the Department of Treasury—Bureau of Alcohol, Tobacco and Firearms; various county sheriffs; retail firearm dealers; State and county mental health and mental retardation agencies; Attorney General Michael D. Fisher; Senator Vincent J. Fumo; Representative Robert W. Godshall; and the National Rifle Association have also been consulted. Regional meetings to update and inform those affected are ongoing and will continue.

*Public Comment*

Interested parties wishing to comment are invited to submit a written statement within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements may be directed to the State Police, Attention: Director, Records and Identification Division, 1800 Elmerton Avenue, Harrisburg, PA 17110.



*Contact Person*

The contact person is Corporal Albert J. Picca, State Police, Bureau of Forensics and Criminal Identification, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 783-5598.

COLONEL PAUL J. EVANKO,  
*Commissioner*

**Fiscal Note:** 17-60. (1) General Fund and Firearm Ownership Fund;

	<i>General Fund</i>	<i>Firearm Ownership Fund</i>
(2) Implementing Year 1996-97 is	\$ 974,000	\$0;
(3) 1st Succeeding Year 1997-98 is	\$1,563,000	\$1,198,000;
2nd Succeeding Year 1998-99 is	\$0	\$2,380,000;
3rd Succeeding Year 1999-00 is	\$0	\$1,370,000;
4th Succeeding Year 2000-01 is	\$0	\$1,370,000;
5th Succeeding Year 2001-02 is	\$0	\$1,370,000;

(4) Fiscal Year 1995-96 \$0; Fiscal Year 1994-95 \$New Program. Nonapplicable; Fiscal Year 1993-94 \$New Program. Nonapplicable; (8) recommends adoption.

**Annex A**

**TITLE 37. LAW**

**PART I. STATE POLICE**

**Subpart D. ADMINISTRATIVE REGULATIONS REGARDING THE UNIFORM FIREARMS ACT**

**CHAPTER 31. STANDARDS FOR LICENSED RETAIL DEALERS**

*(Editor's Note: As part of this proposed rulemaking, the agency proposes to delete the existing text of Chapter 31, §§ 31.1—31.6, 31.11 and 31.21, which appears at 37 Pa. Code pages 31-1—31-6, serial pages (237921)—(237926) and replace it with the following text.)*

**GENERAL PROVISIONS**

- Sec. 31.1—31.6. (Reserved).
- 31.11. (Reserved).
- 31.21. (Reserved).
- 31.101. Scope.
- 31.102. Definitions.

**LICENSED RETAIL DEALERS**

- 31.103. Responsibilities of licensed retail dealers.
- 31.104. Responsibilities of designated employe.
- 31.105. Storage requirements.
- 31.106. Commissioner's notification.
- 31.107. Fines and other penalties.

**GENERAL PROVISIONS**

**§§ 31.1—31.6. (Reserved).**

**§ 31.11. (Reserved).**

**§ 31.21. (Reserved).**

**§ 31.101. Scope.**

This chapter sets forth regulations for the storage of firearms by licensed retail dealers if a clear and present danger to public safety is found by the Commissioner to exist within this Commonwealth during the hours when

the licensed retail dealer is closed for business. This chapter applies to all licensed retail dealers and their designated employees.

**§ 31.102. Definitions.**

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

*Act*—The Uniform Firearms Act, 18 Pa.C.S. Chapter 61, Subchapter A.

*Commissioner*—The Commissioner of the State Police.

*Designated employe*—An employe of the licensed retail dealer who is designated by the licensed retail dealer to have direction or control in the sale of firearms to the consumer—for example, sporting goods department manager, firearms department manager.

*Firearm*—As referred to in the act, a weapon which is designed to or may readily be converted to expel a projectile by the action of an explosive or the frame or receiver of the weapon.

*Licensed retail dealer*—A person, partnership, association or corporation licensed to sell or transfer firearms to the consumer.

*Steel mesh*—High carbon, manganese steel at least than 15/100 inches in thickness, and a grid of not more than 2 inches center to center. No. 6 gauge steel mesh with a 2-inch diamond grid may be used in those areas where high carbon manganese steel mesh cannot be obtained.

**LICENSED RETAIL DEALERS**

**§ 31.103. Responsibilities of licensed retail dealers.**

(a) *General.* If a clear and present danger to public safety is found by the Commissioner to exist in this Commonwealth, licensed retail dealers located in the affected area, upon public announcement by the Commissioner as referred to in section 6113 of the act (relating to licensing of dealers), shall securely store all firearms which are on the business premises during the hours when the licensed retail dealer is closed for business.

(b) *Storage.* Licensed retail dealers located in the affected area, upon public announcement by the Commissioner, are required to comply with one of the following:

(1) All firearms shall be removed from public display. This includes firearms in display cases, racks and shelves within the premises. These firearms shall be placed in a suitable safe, vault or storeroom until the Commissioner has declared the danger to have ceased.

(2) Those licensed retail dealers who do not have a suitable safe, vault or storeroom shall remove all firearms from public view. A bolt, cylinder or any other essential part the absence of which would make the firearm inoperable shall be removed from each firearm and stored at a location other than the licensed retail dealer's place of business until the Commissioner has declared the danger to have ceased. The location shall be at a place geographically removed from the emergency and shall restrict unauthorized access.

(c) *Designated employe instructions.* Licensed retail dealers shall instruct their designated employes of the storage requirements of firearms, if the Commissioner finds a time of clear and present danger to public safety.

**§ 31.104. Responsibilities of designated employe.**

In the absence of the licensed retail dealer, the designated employe is responsible for the securing of firearms according to § 31.103(b) (relating to responsibilities of licensed retail dealers).

**§ 31.105. Storage requirements.**

(a) A suitable storeroom for the storage of firearms shall consist of a separate room or closet located inside the premises. There may not be any windows or outside exits to this room. The entrance door of the storeroom shall be of solid wood, metal or steel mesh, with the hinges to be designed and located so the pins cannot be pulled from outside the room. Door locks shall be the cylinder type, in good working order, firmly set in place, and with locking bolts or bars so designed that they cannot be pushed back with a thin instrument such as a knife blade or plastic card. The ceiling, floor and walls shall be constructed so that the entrance cannot be easily gained from an adjoining building or room.

(b) Vaults or safes employed to store the firearms shall be constructed to require an excessive amount of force to gain illegal entry.

(c) The premises or storeroom of a licensed retail dealer may be equipped with other security devices which the retail dealer deems necessary in addition to the requirements in this chapter.

**§ 31.106. Commissioner's notification.**

(a) If the Commissioner determines that a clear and present danger to public safety in this Commonwealth exists, the Commissioner will notify all licensed retail dealers through public announcements.

(b) If the Commissioner determines that the clear and present danger to public safety in this Commonwealth has ceased, the Commissioner will notify all licensed retail dealers through public announcements.

**§ 31.107. Fines and other penalties.**

Failure of any licensed retail dealer or a designated employe to abide by this chapter may result in prosecution under the act.

*(Editor's Note: As part of this proposed rulemaking, the agency is proposing to delete the existing text of Chapter 33, which consists of §§ 33.1, 33.11—33.17 and 33.21, 37 Pa. Code pages 33-1—33-8, serial pages (134513)—(134520) and replace it with the following text.)*

**CHAPTER 33. PROCEDURES AND SPECIFICATIONS FOR FIREARM RECORD FORMS**

**GENERAL**

Sec.	
33.1.	(Reserved).
33.11—33.17.	(Reserved).
33.21.	(Reserved).
33.101.	Authority.
33.102.	Policy.
33.103.	Confidentiality.
33.104.	Definitions.

**FORM REQUIREMENTS**

33.111.	Application/record of sale.
33.112.	Surcharge remittance form.
33.113.	Surcharge remittance continuation form.
33.114.	Application for a Pennsylvania license to carry firearms.
33.115.	Pennsylvania license to carry firearms.
33.116.	Application for a Pennsylvania license to sell firearms.
33.117.	Pennsylvania license to sell firearms.
33.118.	Pennsylvania sportsman's firearms permit.
33.119.	Revocations.
33.120.	Notification of mental health commitment.
33.121.	PICS firearm acquisition license to carry/denial challenge.
33.122.	Fines and other penalties.

**FORMS**

33.131.	Forms.
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**GENERAL**

**§ 33.1 (Reserved).**

**§ 33.11—33.17. (Reserved).**

**§ 33.21. (Reserved).**

**§ 33.101. Authority.**

(a) This chapter has been promulgated under the authority in the act.

(b) The State Police has promulgated this chapter, and in the manner provided by law, has the responsibility to administer and enforce this chapter and the act, to ensure the identity, confidentiality and security of the records and data collected and reported under this chapter.

**§ 33.102. Policy.**

(a) The General Assembly has declared its intention to provide support to law enforcement in the area of crime prevention and control, and that it is not the policy of the Commonwealth to place undue or unnecessary restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, transfer, transportation or use of firearms, rifles or shotguns for personal protection, hunting, target shooting, employment or other lawful activity.

(b) The General Assembly further declared that this policy is not intended to discourage or restrict the private ownership and use of firearms by law-abiding citizens for lawful purposes or to provide for the imposition by rules or regulations of any procedures or requirements other than those necessary to implement and effectuate the act.

**§ 33.103. Confidentiality.**

(a) Information furnished under this chapter by an applicant, purchaser, transferee or licensee, or collected by the designated issuing authority under this chapter, is confidential and not subject to public disclosure.

(b) Information collected or maintained under this chapter by the State Police is confidential and not subject to public disclosure.

(c) Nonpublic disclosure by the State Police of information collected, furnished or maintained under this chapter is restricted to:

(1) Disclosure upon request of the applicant, licensee, purchaser or transferee, as described in sections 6109 and 6111 of the act (relating to licenses; and sale or transfer of firearms), upon documentary certification that the requestor is in fact the applicant, licensee, purchaser or transferee.

(2) Disclosure upon request of a criminal justice agency, defined as any court, including the minor judiciary, with criminal jurisdiction or any other governmental agency, or subunit thereof, created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to this function. Criminal justice agencies include: organized State and municipal police departments, local detention facilities, county, regional and State correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, pardon boards and agencies or subunits thereof, as are declared by the Attorney General to be criminal justice agencies as determined by a review of applicable statutes and the State and Federal Constitutions, or both.

(d) No disclosure of information forwarded, collected or maintained under this chapter will be made to requests of noncriminal justice agencies, or individuals other than the applicant, licensee, purchaser or transferee as described in sections 6109 and 6111 of the act.

(e) Mental health records information received or maintained by the State Police under section 6111.1(b) and (f) of the act (relating to Pennsylvania State Police) shall be confidential and not subject to public disclosure. The information shall be available only to the State Police for the purposes of determining, under sections 6109(d) and 6111.1(b) of the act, if the potential applicant is prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm, or obtaining a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth, as defined under Federal or State law, and for the purpose of informing the licensee/sheriff making inquiry under sections 6109(d) and 6111.1(b)(iii) of the act.

### § 33.104. Definitions.

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

*Firearm as defined in section 6102 of the act*—A pistol or revolver with a barrel length less than 15 inches, a shotgun with a barrel length less than 18 inches or a rifle with a barrel length less than 16 inches, or a pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable.

*Firearm as defined in section 6111.2 of the act*—A weapon which is designed to or may readily be converted to expel a projectile by the action of an explosion or the frame or receiver of the weapon.

*Gun show/meet*—A function sponsored by a National, state or local organization, devoted to the collection, competitive use or other sporting use of firearms, as defined in section 6111.2 of the act (relating to firearm sales surcharge), or an organization or association that sponsors functions devoted to the collection, competitive use or other sporting use of firearms, as defined in section 6111.2 of the act, in the community.

*Handgun*—A pistol or revolver with a barrel length less than 15 inches, a shotgun with a barrel length less than 18 inches or a rifle with a barrel length less than 16 inches, or a pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm is determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable.

#### *Identification*—

(i) Includes the following documents, which shall be accepted by dealers:

- (A) A valid photo driver's license.
- (B) A valid government-issued photo identification card.

(ii) To be acceptable, a government-issued photo identification card shall contain the holder's name, date of birth and signature. If it does not contain the holder's current address, another document containing that address such as a current utility bill, residential lease agreement, mortgage, and the like, shall be presented.

(iii) If the applicant is a member of a religious sect or community whose tenets forbid or discourage the taking of photographs, dealers shall accept a valid without-photo driver's license, or a combination of three of the following types of identification. If none of those three contain the applicant's current address, the applicant shall have another document containing the name and current address such as a current utility bill, residential lease agreement, mortgage, and the like.

(A) A valid government-issued identification card.

(B) A birth certificate.

(C) A Social Security card.

(D) A valid Pennsylvania License To Carry Firearms issued under section 6109 of the act (relating to licenses). To be accepted as a valid Pennsylvania license to carry firearms, a license issued after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) shall be on a form identical to the one prescribed by the State Police.

*Licensee*—A person, partnership, association or corporation issued a license by the Commonwealth, or a political subdivision thereof, to sell, transfer, import, manufacture or collect firearms.

*Long-gun*—The term includes any weapon, that is not a handgun, designed to or may readily be converted to expel a projectile by the action of an explosion, or the frame or receiver of the weapon.

*PICS—Pennsylvania Instant Check System*—The Pennsylvania instantaneous records check system established under the act and in accordance with the Brady Handgun Violence Prevention Act, 18 U.S.C.A. §§ 921—925A.

*Private sale*—A sale or transfer between two nonlicensed persons as referred to in section 6111 of the act (relating to sale or transfer of firearms).

*Responsible person*—In addition to a sole proprietor, a responsible person is:

(i) In the case of a corporation, partnership or association, an individual possessing, directly or indirectly, the power to direct or cause the direction of the management, policies and practices of the corporation, partnership or association, insofar as they pertain to firearms, as defined in section 6111.2 of the act.

(ii) In the case of a corporation, association or similar organization, a person owning 10% or more of the outstanding shares of stock issued by the applicant, and the officers and directors thereof.

*Sheriff*—The sheriff of the county, or the chief or head of the police department in a city of the first class.

### FORM REQUIREMENTS

#### § 33.111. Application/record of sale.

(a) *Description.* The application/record of sale, Form SP 4-113, is a prenumbered three-part form furnished through the State Police under section 6111 of the act (relating to sale or transfer of firearms) and is used to record firearm transactions. A written request for these forms may be directed to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. Telephone requests will not be honored. Forms will be furnished to the licensee/sheriff and shall be requested at least 3 weeks prior to the time of actual need.

(b) *Requirements.*

(1) The application/record of sale shall be either type-written or printed in blue or black ink with a ball point pen. Copies shall contain legible impressions. It is the responsibility of the licensee/sheriff, and the transferee/purchaser, to ensure the form is accurately completed as indicated in the block instructions (relating to fines and other penalties). The original shall be transmitted by the licensee/sheriff within 14 days of the sale/transfer by first class mail to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. The first copy shall be retained by the licensee/sheriff for 20 years and filed in a book form in chronological order, with the latest date to the front. The second copy shall be provided to the transferee/purchaser.

(2) If a licensed business is discontinued and succeeded by a new licensee, the records prescribed by this section including both completed and blank application/record of sale forms, shall be delivered to the successor. When discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

(c) *Retail sale/transfer of a handgun or long gun prior to the implementation of the instantaneous background check.* The following are steps for completing the application/record of sale for a retail sale/transfer of a handgun or if required by law, a long gun, prior to the implementation of the instantaneous background check.

(1) The applicant is provided an application/record of sale form and the applicant shall complete the applicable blocks as indicated on the form. If the applicant does not complete all of the required information or checks "yes" to any of the questions under transferee's/purchaser's information on the form, the sale/transfer may not take place.

(2) The licensee/sheriff shall check the applicant's identification and ensure it meets the requirements under § 33.104 (relating to definitions).

(3) The licensee/sheriff shall ensure the form has been accurately completed.

(4) The licensee/sheriff shall comply with any applicable waiting period (Federal or State).

(5) If the sale/transfer is not denied, the transaction may be completed and the licensee/sheriff shall complete the applicable sections on the form as per block instructions, and provide the transferee/purchaser a summary of the uniform firearm laws which includes a safety brochure. The transferee/purchaser shall then sign the designated block on the form.

(d) *Retail sale/transfer of a handgun or long gun after the implementation of the instantaneous background check.* The following are the steps for completing the application/record of sale form for a sale/transfer of a handgun or if required by law, a long gun, upon the implementation of the instantaneous background check, unless the system becomes inoperable for a period exceeding 48 hours as indicated by State Police at the time an instant background check is requested, the licensee/sheriff shall follow the procedures outlined in subsection (c) for any weapon. This procedure shall stay in effect during the time indicated by State Police at the time of the check.

(1) The applicant is provided an application/record of sale form and shall complete the applicable blocks as indicated on the form. If the applicant does not complete all of the required information or checks "yes" to any of

the questions under transferee's/purchaser's information on the form, the sale/transfer may not take place.

(2) The licensee/sheriff shall check the applicant's identification and ensure it meets the requirements under § 33.104.

(3) The licensee/sheriff shall ensure the form has been accurately completed.

(4) The licensee/sheriff shall request an instantaneous background check be conducted on the applicant.

(5) If the applicant's instantaneous background check is approved, the transaction may be completed and the licensee/sheriff shall complete the applicable sections on the form as per block instructions, and provide the transferee/purchaser a summary of the uniform firearm laws which includes a safety brochure. The transferee/purchaser shall then sign the designated block on the form.

(e) *Private sale/transfer of handgun.* The following are the steps for completing the application/record of sale for a private sale/transfer involving a handgun:

(1) The licensee/sheriff shall follow the same procedures as outlined in either subsection (c) or (d), except that the transferor's/seller's information shall also be included in Section F on the form before the private sale/transfer can be completed. If the transfer is by intestate succession or by bequest, the executor or administrator shall act in the capacity of the transferor/seller. Private sales shall occur only at the place of business of the licensee, or sheriff's office. The licensee/sheriff shall follow the procedures as if he was the seller.

(2) The licensee/sheriff shall retain the application/record of sale as though he were the seller.

(f) *Approval number.* An approval number shall be issued through the instant background check system for use by the licensee/sheriff for approval of an applicant to complete a firearm, as defined in section 6111.2 of the act, transaction. If the applicant chooses to complete other firearm transactions on the same day with the same licensee/sheriff, the approval number shall be valid for use on the subsequent application/record of sale forms. If the applicant chooses to complete a firearm transaction with a different licensee/sheriff, a new approval number shall be obtained from the State Police by that licensee/sheriff and it shall be valid for all firearm transactions made with the licensee/sheriff for that date, and so on. The applicant shall be issued a receipt from the licensee/sheriff for each firearm transaction made. It shall contain the approval number for the firearm transaction, and date it was given. The application/record of sale may serve as the receipt.

(g) *Preapproval.* At an auction or gun show/meet, an approval number may be obtained by a potential transferee/purchaser for use during a later firearm transaction, as defined in section 6111.2. The potential transferee/purchaser shall be required to present the required identification to the licensee/sheriff, complete Section B on the application/record of sale and pay the required fee. The licensee/sheriff shall then request that an instantaneous background check be conducted on the potential transferee/purchaser. If approved, the licensee/sheriff shall place the approval number and date on the application, and retain it pending any transactions made by the potential transferee/purchaser on that date.

(1) If the potential transferee/purchaser conducts a transaction that requires a completed application/record

of sale, the form shall be completed and the transferee/purchaser shall be given a copy to serve as the receipt.

(2) If the transferee/purchaser conducts a transaction that does not require a completed application/record of sale, the transferee/purchaser shall be given a copy of the partially completed form to serve as the receipt. The State Police copy shall be voided and forwarded to the State Police. The licensee's/sheriff's copy shall be retained as required. The licensee/sheriff shall ensure the fee is included with the surcharge remittance form, Form SP 4-134.

(3) If no transaction is made on that date, the licensee/sheriff shall void the form. The State Police copy shall be voided and forwarded to the State Police. The licensee's/sheriff's copy shall be retained as required. The licensee/sheriff shall ensure the fee is included with the surcharge remittance form.

(h) *Fees.*

(1) *Firearm sales surcharge.* It is the responsibility of the licensee/sheriff to collect the firearm sales surcharge from the purchaser at the time of the transaction of the firearm, as defined in section 6111.2 of the act.

(2) *Instantaneous records check.* When the instantaneous records check is operational, a fee shall be collected by the licensee/sheriff from the requestor at the time a check is requested, under section 6111(b)(3) of the act.

(3) *Transmittal of fees.* The fees as described in paragraphs (1) and (2), shall be transmitted by the licensee/sheriff within 14 days of collection by first class mail to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

(i) *Transmission of fees/surcharges.* The licensee/sheriff shall utilize the surcharge remittance form, and if necessary, the surcharge remittance continuation form, Form SP 4-134A, when transmitting the above fees/surcharges referenced in this subsection. Refer to § 33.112 (relating to surcharge remittance form).

**§ 33.112. Surcharge remittance form.**

(a) The surcharge remittance form, Form SP 4-134, shall be used by the licensee/sheriff to supply the State Police a record of the number of private sales processed, long-guns and handguns sold, telephone instantaneous records checks approved/denied, verification that a background check has been completed for each purchase/transfer as required by the act, and as a means to calculate the amount of fees/surcharges owed by the licensee/sheriff. The surcharge remittance form shall be uniform throughout this Commonwealth and shall be on a form prescribed by the State Police. The form shall be 8 1/2 inches by 11 inches in dimension, on white, 100% sulfite bond paper.

(b) It is the responsibility of the licensee/sheriff to ensure the form is accurately completed as indicated in the block instructions. The form may be typewritten, computer generated or printed in blue or black ink with a ballpoint pen. Copies shall contain legible impressions. The original shall be transmitted by the licensee/sheriff along with a check payable to "Pennsylvania State Police FSSF" covering the total amount of surcharge/fee owed within 14 days of a sale, transfer or instantaneous records check by first class mail to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. A duplicate or photocopy shall be retained by the licensee/sheriff for 20 years and filed in chronological order, with the latest date to the front of the file folder.

(c) When a licensed business is discontinued and succeeded by a new licensee, the records prescribed by this section shall be delivered to the successor. When discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

**§ 33.113. Surcharge remittance continuation form.**

(a) The surcharge remittance continuation form, Form SP 4-134A, shall be uniform throughout this Commonwealth and shall be on a form prescribed by the State Police. The form shall be 8 1/2 inches by 11 inches in dimension, on white, 100% sulfite bond paper. The form shall be used by the licensee/sheriff when additional space is needed to record approval numbers/dates approved as required in § 33.111 (relating to application/record of sale).

(b) It is the responsibility of the licensee/sheriff to ensure the form is accurately completed as indicated in the block instructions. The form may be typewritten, computer generated or printed in blue or black ink with a ballpoint pen. Copies shall contain legible impressions. The original shall be transmitted by the licensee/sheriff along with the corresponding surcharge remittance form within 14 days of a sale, transfer or instantaneous records check by first class mail to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. A duplicate or photocopy shall be retained, along with the corresponding surcharge remittance form, by the licensee/sheriff for 20 years and filed in chronological order, with the latest date to the front of the file folder.

(c) When a licensed business is discontinued and succeeded by a new licensee, the records prescribed by this section shall be delivered to the successor. When discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

**§ 33.114. Application for a Pennsylvania license to carry firearms.**

(a) The application for a Pennsylvania license to carry firearms, Form SP 4-127, is used to apply for an original/renewal of a Pennsylvania license to carry firearms and shall be uniform throughout this Commonwealth. It shall be on a form prescribed by the State Police. The form shall be 8 1/2 inches by 11 inches in dimension, on white, 100% sulfite bond paper. The form shall be used by the issuing authority, that is, county sheriff or a chief of police for a city of the first class, to conduct an investigation within 45 days relative to whether the applicant would be precluded from receiving a license under the conditions in the act.

(b) The application for a Pennsylvania license to carry firearms shall be typewritten, computer generated or printed in blue or black ink with a ballpoint pen. Copies shall contain legible impressions. It is the responsibility of the issuing authority to utilize the form as prescribed by the State Police, and ensure it is accurately completed in accordance with the block instructions contained therein. The form shall be retained by the issuing authority for 6 years.

(c) At least 60 days prior to the expiration of each license, the issuing sheriff shall send to the licensee an application for a renewal of license. Failure to receive a renewal application does not relieve a licensee from the responsibility to renew the license.

**§ 33.115. Pennsylvania license to carry firearms.**

(a) The Pennsylvania license to carry firearms, Form SP 4-129, shall be constructed as a three-part form, 3 inches by 5 3/8 inches in dimension, on white, 100% sulfite bond paper. The issuing authorities, that is, county sheriff or a chief of police for a city of the first class, shall utilize the form as prescribed by the State Police.

(b) The Pennsylvania license to carry firearms shall be typewritten, computer generated or printed in blue or black ink with a ballpoint pen. Copies shall contain legible impressions. A photograph of the applicant may be placed on the license if required by the issuing authority.

(c) The form is designed to be folded in half and may be laminated. At the option of the entity furnishing the form, the paper weight of each part may be a minimum of 14 pounds up to a maximum of 28 pounds, and impressions may be produced by utilizing either carbon inserts or no carbon required (NCR) paper. Forms shall be numbered in numerical sequence and the size of the license numbers shall be at least 3/16 of an inch. The first two numbers shall be the county location code followed by the license number—for example, if the license was issued by Dauphin County, the license number would be 22-0000001, and so on.

(d) Under section 6109 of the act (relating to licenses), the original shall be issued to the licensee and be valid for 5 years from date of issue, unless revoked sooner. The first copy shall be transmitted by the issuing authority within 7 business days by first class mail to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. The second copy shall be retained by the issuing authority for 6 years.

**§ 33.116. Application for a Pennsylvania license to sell firearms.**

(a) The application for a Pennsylvania license to sell firearms, Form SP 4-128, is used to apply for an original/renewal of a Pennsylvania license to sell firearms and shall be uniform throughout this Commonwealth. It shall be on a form prescribed by the State Police. The form shall be 8 1/2 inches by 11 inches in dimension, on white, 100% sulfite bond paper. The form shall be used by the issuing authority, that is, the chief or head of any police department of a city, and elsewhere, the sheriff of the county, to conduct an investigation relative to whether the applicant would be precluded from receiving a license under the conditions in the act.

(b) The application for a Pennsylvania license to sell firearms shall be either typewritten, computer generated or printed in blue or black ink with a ballpoint pen. Copies shall contain legible impressions. It is the responsibility of the issuing authority to utilize the form and to ensure it is accurately completed as indicated in the block instructions. The original shall be transmitted by the issuing authority within 7 business days by first class mail to the Pennsylvania State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. A duplicate copy shall be retained by the issuing authority for 6 years.

**§ 33.117. Pennsylvania license to sell firearms.**

(a) The Pennsylvania license to sell firearms, Form SP 4-133, shall be uniform throughout this Commonwealth and shall be on a form prescribed by the State Police. The license shall be 8 1/2 inches by 11 inches in dimension, on white, 100% sulfite bond paper. The license shall be granted to reputable applicants by the issuing authority. The Pennsylvania license to sell firearms is required for

any person engaged in the business of selling or transferring firearms as defined in section 6113(d) of the act (relating to licensing of dealers).

(b) The Pennsylvania license to sell firearms shall be either typewritten, computer generated or printed in blue or black ink with a ballpoint pen in three counterparts. Copies shall contain legible impressions. It is the responsibility of the issuing authority to ensure the form is accurately completed as indicated in the block instructions, and that the State Police Firearm Unit is contacted, at (717) 783-5495, to obtain a specific license number for the form. The issuing authority shall use only the license prescribed by the State Police.

(c) The original shall be delivered to the licensee to be displayed as prescribed by the act and is valid for 3 years from date of issue. The first copy shall be transmitted by the issuing authority within 7 business days by first class mail to the Pennsylvania State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. The second copy shall be retained by the issuing authority for 6 years.

**§ 33.118. Pennsylvania sportsman's firearm permit.**

(a) The Pennsylvania sportsman's firearm permit, Form SP 4-126, is a prenumbered three-part form furnished by the State Police under section 6106(c) of the act (relating to firearms not to be carried without a license). This permit, granting exemption to section 6106(a) of the act, is issued in conjunction with a hunting, furtaking or fishing license, or permit relating to hunting dogs, under section 6106(b)(9) and (10) and (c) of the act. A written request for these forms may be directed to the Pennsylvania State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. Telephone requests will not be honored. Forms shall be furnished to the requesting issuing authority, that is, county treasurer, in quantities of 500 per pack and shall be requested at least 3 weeks prior to the time of actual need.

(b) The Pennsylvania sportsman's firearm permit shall be completed as indicated in the block instructions. It can either be typewritten or printed in blue or black ink with a ballpoint pen. Copies shall contain legible impressions. The original shall be issued to the licensee and is valid for 5 years from date of issue. The first copy shall be transmitted by the issuing authority within 7 business days by first class mail to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. The second copy shall be retained by the issuing authority for 2 years after the expiration date.

**§ 33.119. Revocations.**

(a) A Pennsylvania license to carry firearms, Pennsylvania license to sell firearms or a Pennsylvania sportsman's firearm permit may be revoked by the issuing authority for good cause.

(b) Notice of revocation shall be in writing upon the official letterhead stationery of the issuing authority and shall state the reason for revocation, the full name and date of birth of the licensee as it appears on the license/permit, the number of the license/permit and the date of revocation.

(c) The notice shall be sent by certified mail, and, at that time, a copy shall be forwarded to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

(d) An individual whose license/permit is revoked shall surrender the license/permit to the issuing authority within 5 days of the receipt of notice.

**§ 33.120. Notification of mental health commitment.**

(a) The notification of mental health commitment, Form SP 4-131, shall be uniform throughout this Commonwealth and shall be on a form prescribed by the State Police. The form shall be 8 1/2 inches by 11 inches in dimension, on white, 100% sulfite bond paper. The form shall be used by the judges of the courts of common pleas, mental health review officers and county mental health and mental retardation administrators, providing the name, at least one numeric identifier and physical description, to notify the State Police of the identity of a person who has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under section 302, section 303 or section 304 of the Mental Health Procedures Act (50 P. S. §§ 7102—7104). In addition, the form shall also be used by physicians when they determine a lack of severe mental disability following the initial examination under section 302(b) of the Mental Health Procedures Act and under section 6111.1(f)(3) of the act (relating to Pennsylvania State Police).

(b) It is the responsibility of the judges of the courts of common pleas, mental health review officers and county mental health and mental retardation administrators to ensure the form is accurately completed. It can either be typewritten, computer generated or printed in blue or black ink with a ballpoint pen. Copies shall contain legible impressions. The form shall be transmitted by the judges of the courts of common pleas, mental health review officers and county mental health and mental retardation administrators within 7 days of the adjudication, commitment or treatment, or determination by a physician of the lack of severe mental disability, by first class mail to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. Note: The envelope shall be marked "CONFIDENTIAL."

**§ 33.121. PICS firearm acquisition/license to carry/denial challenge.**

(a) The PICS firearm acquisition/license to carry/denial challenge, Form SP4-196, shall be furnished to licensed firearms dealers and county sheriffs in this Commonwealth, to be provided to individuals upon request, who are denied the ability to purchase or acquire a firearm, as defined in section 6111.2 of the act (relating to firearms sales surcharge) or a license to carry a firearm, based upon a PICS firearms background check determination. A written request for these forms may be directed to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110. Forms shall be

furnished to the firearms dealer/sheriff and shall be requested at least 3 weeks prior to the time of actual need.

(b) The PICS firearm acquisition/license to carry/denial challenge form shall be either typewritten or printed in blue or black ink pen. The form shall be completed containing legible impressions. It shall be the responsibility of the individual submitting the denial challenge to ensure the form is accurately completed. The form shall be submitted within 30 days of the PICS denial determination by the requesting individual, by first class mail, to the State Police, Attention: Firearm Unit, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

**FINES AND PENALTIES****§ 33.122. Fines and other penalties.**

This chapter is promulgated under the authority contained in the act, and will be prosecuted as a violation of the act.

**FORMS****§ 33.131. Forms.**

(a) The following forms have been promulgated by the State Police under authority of the act and this subpart.

- (1) Application/Record of Sale (SP4-113).
- (2) Surcharge Remittance Form (SP4-134).
- (3) Surcharge Remittance Continuation Form (SP4-134A).
- (4) Application for a Pennsylvania License to Carry Firearms (SP4-127).
- (5) Pennsylvania License to Carry Firearms (SP4-129).
- (6) Application for a Pennsylvania License to Sell Firearms (SP4-128).
- (7) Pennsylvania License to Sell Firearms (SP4-133).
- (8) Pennsylvania Sportsman's Firearm Permit (SP4-126).
- (9) Notification of Mental Health Commitment (SP4-131).
- (10) PICS Firearm Acquisition/ License to Carry/Denial Challenge (SP4-196).

(b) The forms are available from the State Police by contacting: Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

[Pa.B. Doc. No. 98-670. Filed for public inspection May 1, 1998, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Board of Probation and Parole

The Executive Board approved a reorganization of the Board of Probation and Parole effective August 19, 1997.

This chart is being reprinted to add the Governor's Policy Office.

The organization chart at 28 Pa.B. 2046 (May 2, 1998) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 98-671. Filed for public inspection May 1, 1998, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Corrections

The Executive Board approved a reorganization of the Department of Corrections effective March 17, 1998.

This chart is being reprinted to add the Governor's Policy Office.

The organization chart at 28 Pa.B. 2047 (May 2, 1998) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 98-672. Filed for public inspection May 1, 1998, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Pennsylvania State Police

The Executive Board approved a reorganization of the Pennsylvania State Police effective November 17, 1997.

This chart is being reprinted to add the Governor's Policy Office.

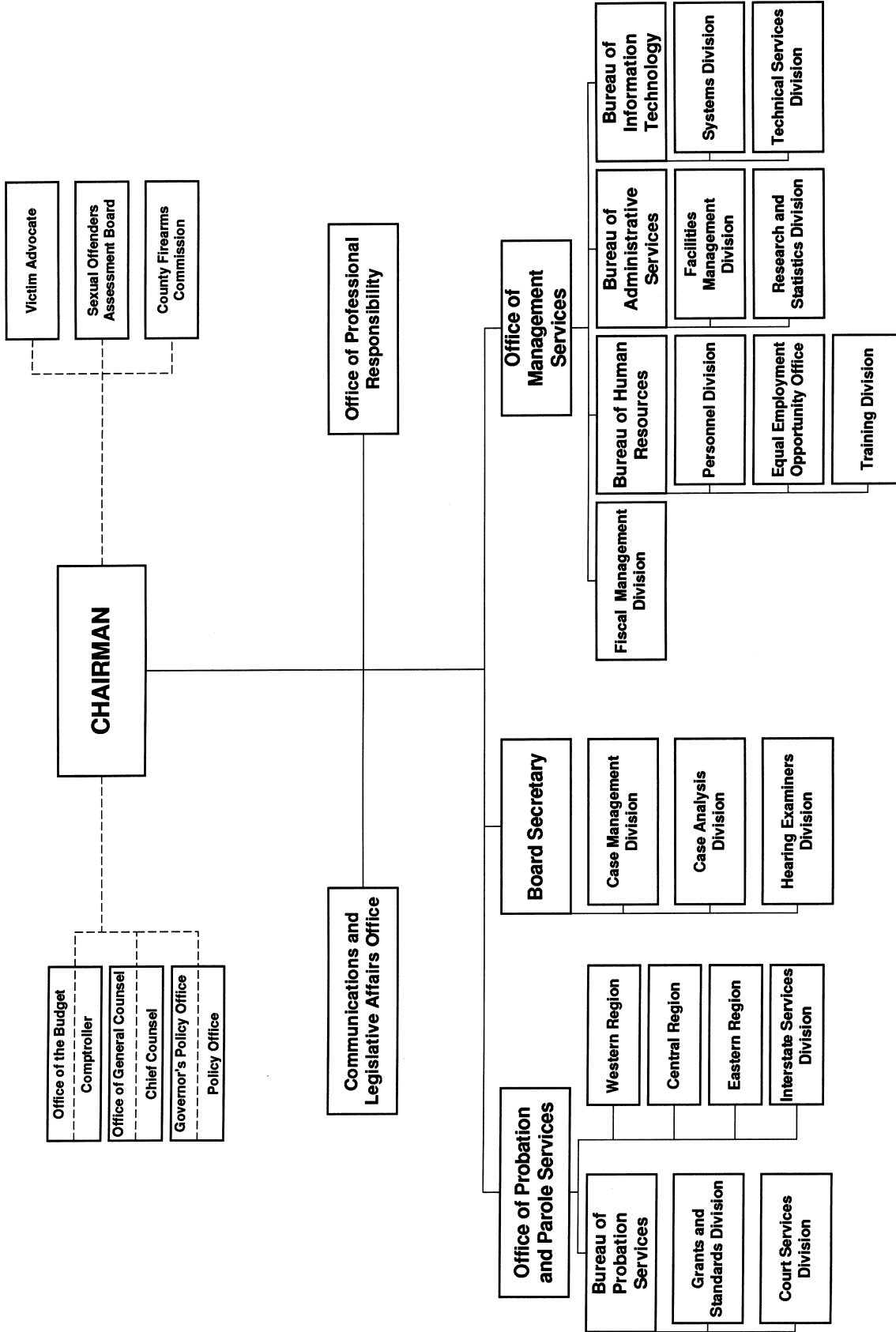
The organization chart at 28 Pa.B. 2048 (May 2, 1998) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

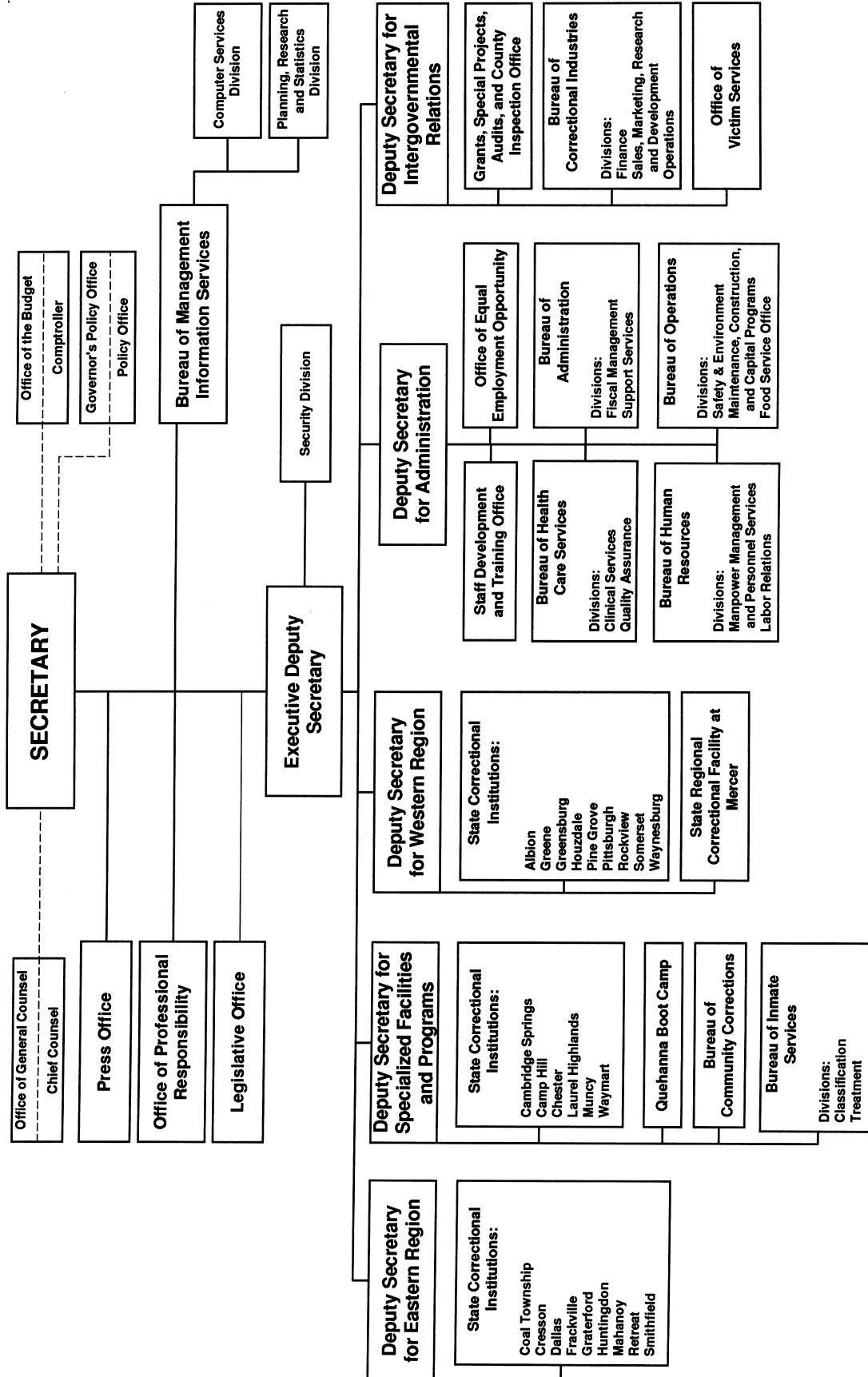
[Pa.B. Doc. No. 98-673. Filed for public inspection May 1, 1998, 9:00 a.m.]



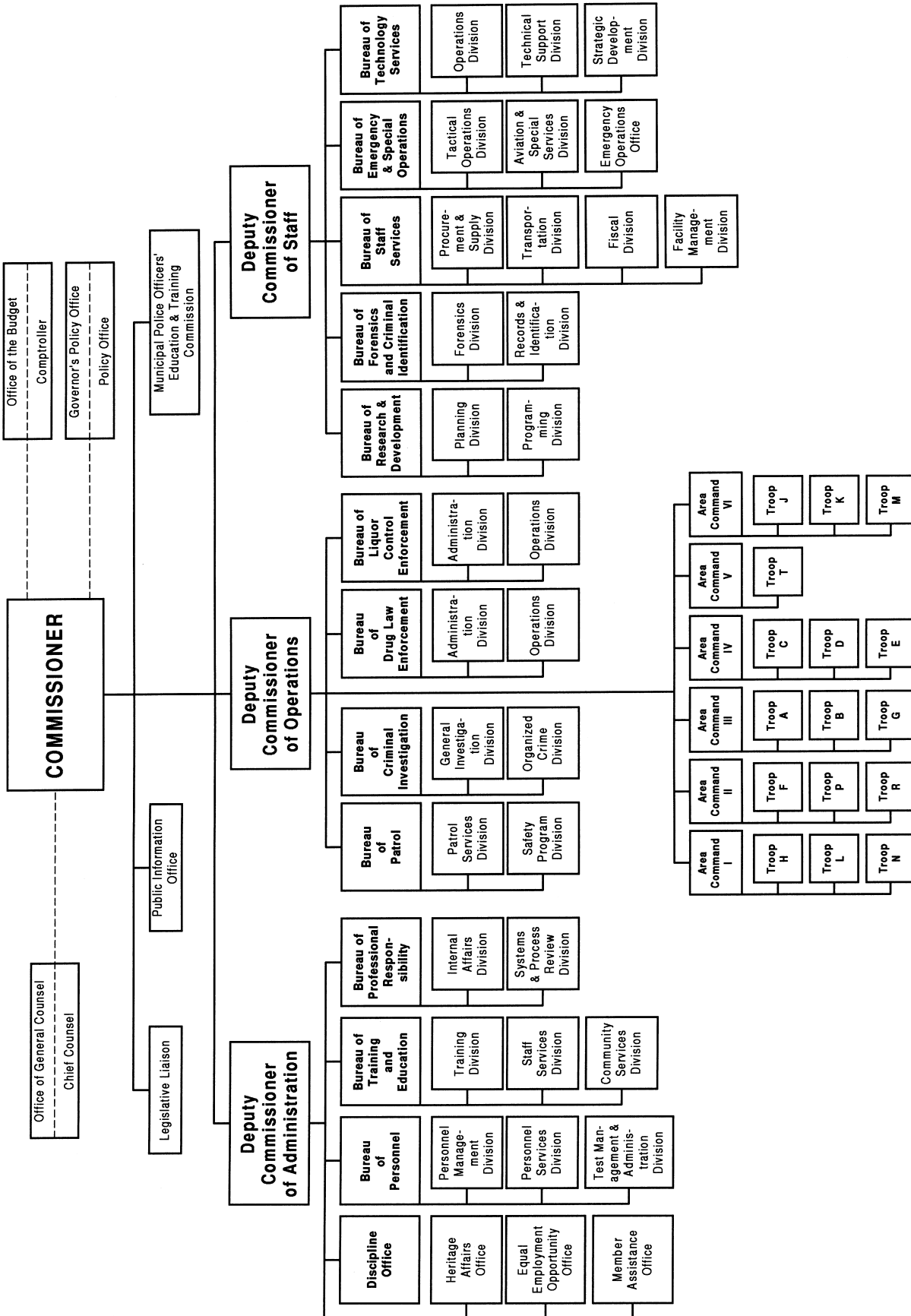
**BOARD OF PROBATION AND PAROLE**



DEPARTMENT OF CORRECTIONS



PENNSYLVANIA STATE POLICE



# Title 10—BANKS AND BANKING

## DEPARTMENT OF BANKING

[10 PA. CODE CH. 81]

### Check Cashier Licensing Act—Statement of Policy

The Department of Banking (Department) adds this statement of policy which is published under the Check Cashier Licensing Act (63 P. S. §§ 2301—2334) (act).

#### *Purpose*

The act contains license application requirements, limitations on check cashier rates, a prohibition on a licensee cashing postdated checks and examination authority of the Department, among other licensing and enforcement provisions.

Immediate issuance of this statement of policy is necessary to provide adequate guidance to the check cashing industry in this Commonwealth regarding licensure, compliance and enforcement issues affecting the conduct of the industry and its interaction with consumers and the Department. The Department reserves the right to amend this statement of policy as needed.

#### *Explanation of Regulatory Requirements*

The statement of policy provides guidance to check cashiers regarding the initial license application process, license renewal application process, examination and records, clarification of the prohibition on cashing certain checks and clarification of reports regarding checks drawn on a personal account of and payable to the maker in accordance with the requirements of Federal money laundering statutes and regulations.

#### *Entities Affected*

The statement of policy will affect existing check cashiers in business on April 19, 1998, the effective date of the act, new check cashiers and new locations of check cashiers not engaging in the check cashier business on the effective date of the act.

#### *Cost and Paperwork Requirements*

The statement of policy provides guidance regarding the requirement that a new check cashier applicant and new location applicant cause a notice of application to be published in a newspaper for purposes of the Department receiving public comment on the application. The statement of policy also clarifies the statutory requirement that a licensee shall report to the Department each transaction involving a check drawn on a personal account of the maker which is also payable to the maker in accordance with the requirements of Federal money laundering statutes and regulations. No additional costs will be incurred by the Department or the check cashier beyond any costs already imposed by the act.

#### *Effectiveness/Sunset Date*

The statement of policy is effective upon publication in the *Pennsylvania Bulletin*. There is no sunset date.

#### *Contact Person*

Persons with questions regarding the statement of policy should contact the Legal Division of the Department of Banking, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2290, (717) 787-1471.

(*Editor's Notes:* The regulations of the Department, 10 Pa. Code, are amended by adding a statement of policy at §§ 81.1, 81.2, 81.11—81.14, 81.31, 81.32, 81.41, 81.51, 81.61 and 81.62 (relating to check cashier licensing) to read as set forth in Annex A.)

RICHARD RISHEL,  
*Secretary*

**Fiscal Note:** 3-38. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 10. BANKS AND BANKING

### PART VI. CHECK CASHIERS

#### CHAPTER 81. CHECK CASHIER LICENSING

##### GENERAL

- |        |  |
|--------|--|
| Sec.   |  |
| 81.1.  | Definitions.   |
| 81.2.  | Purpose.   |
|        | <b>INITIAL LICENSE APPLICATION PROCESS</b>                   |
| 81.11. | Application forms, confidentiality and financial statements. |
| 81.12. | Check cashiers in business by April 19, 1998.                |
| 81.13. | New check cashiers not in business by April 19, 1998.        |
| 81.14. | Check cashier locations not in existence by April 19, 1998.  |
|        | <b>LICENSE RENEWAL APPLICATION PROCESS</b>                   |
| 81.31. | Renewal.   |
| 81.32. | Additional information.                                      |
|        | <b>EXAMINATION AND RECORDS</b>                               |
| 81.41. | Examination of records.                                      |
|        | <b>POSTING NOTICE OF FEES AND CHARGES</b>                    |
| 81.51. | Posting of fees and charges.                                 |
|        | <b>RESTRICTIONS ON BUSINESS</b>                              |
| 81.61. | Prohibition on cashing certain checks.                       |
| 81.62. | Report of certain transactions.                              |

##### GENERAL

#### § 81.1. Definitions.

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

*Act*—The Check Cashier Licensing Act (63 P. S. §§ 2301—2334).

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

#### § 81.2. Purpose.

(a) The act contains license application requirements, limitations on check cashier rates, a prohibition on a licensee cashing postdated checks and examination authority of the Department, among other licensing and enforcement provisions.

(b) This chapter is necessary to provide adequate guidance to the check cashing industry in this Commonwealth regarding licensure, compliance and enforcement issues affecting the conduct of the industry and its interaction with consumers and the Department.

##### INITIAL LICENSE APPLICATION PROCESS

#### § 81.11. Application forms, confidentiality and financial statements.

(a) A check cashier initial application form will be provided to a prospective applicant by the Department. Upon completion and submission of the application by the applicant, the marked pages of the application form will

be made available by the Department for public inspection, upon request, under section 304(b)(3) of the act (63 P. S. § 2314(b)(3)). The remaining pages of the application form, regarding financial and other information provided by the applicant, will be deemed confidential by the Department and will not be made available for public inspection, unless otherwise required by law. The Department retains the right to contest or deny a request for the confidential pages of the application form.

(b) The applicant for a check casher license will be requested by the Department to provide financial statements prepared by the applicant or the applicant's accountant.

(c) The financial statements should include a balance sheet and income and expense statement prepared in accordance with generally accepted accounting principles.

(d) The Department may require additional information with the application as provided in section 301(c) of the act (63 P. S. § 2311(c)).

(e) The application forms shall be mailed to the Department as specified in the application instructions that accompany the forms.

**§ 81.12. Check cashers in business by April 19, 1998.**

(a) *Submission of application by an existing check casher.* For any check casher license application received by the Department from an applicant engaged in the check casher business by April 19, 1998 (existing check casher), the Department will have 60 days from receipt of a complete application to approve or deny the application. Initial applications shall be filed by existing check cashers with the Department by April 18, 1999, but may be filed any time prior to that date at the discretion of the applicant.

(b) *No public comment period.* There is no public comment period applicable to a license application from an existing check casher.

**§ 81.13. New check cashers not in business by April 19, 1998.**

(a) *Submission of application by a new check casher.* For a license application received by the Department prior to January 1, 1999, from a person who is not engaged in the check casher business by April 19, 1998, (new check casher), the Department will have up to 6 months from receipt to process the application. This statement is consistent with section 1104(a) of the act (63 P. S. § 2334(a)), which provides the Department with the 6 month review period for the new check casher applications. For a license application received by the Department on or after January 1, 1999, the Department will have 60 days from receipt to process the application.

(b) *Publication and public comment.* The new check casher applicant is required to cause notice of the application to be published in a newspaper having general circulation in each community in which the applicant intends to initially locate, under the following conditions:

(1) Once the Department receives, reviews and deems an application form to be complete, the applicant will be notified in writing.

(2) Within 10 days of receipt of the written notification from the Department, the applicant shall have a separate notice of the application published in a newspaper having general circulation in each community in which the applicant intends initially to locate. The form of notice to be published is provided to the applicant with the application forms.

(3) Within 30 days of publication of the notice of application in the required newspaper, the applicant shall provide a copy of the newspaper notice and publisher's affidavit to the Department. The newspaper notice and publisher's affidavit may be provided to the Department either through the applicant or directly from the newspaper.

(4) Failure of the applicant to cause the newspaper notice of the application to be published within the 10 days shall cause the Department to return the application, at which time the Department will terminate the application process and commence the process of returning the application fee to the applicant.

(5) Failure of the applicant to cause to provide a copy of the newspaper notice and publisher's affidavit to the Department within 30 days of publication shall cause the Department to return the application, at which time the Department will terminate the application process and commence the process of returning the application fee to the applicant.

(6) In the case of paragraph (4) or (5), the applicant may refile the application with the Department at which time the entire application process begins anew.

(7) Provided the application has not been returned to the applicant under either paragraph (4) or (5), the following procedure is authorized by section 304 of the act (63 P. S. § 2314). Within 30 days of the date of publication of notice of the application (public comment period), a person may file a notice in protest or in favor of the application (public comment) by submitting two copies of the public comment to the Department. The applicant may request a copy of the public comment and may file with the Department an answer to any public comment by submitting two copies of the answer to the Department within 10 days of the end of the 30-day public comment period.

**§ 81.14. Check casher locations not in existence by April 19, 1998.**

(a) *Submission of applications for new locations.* Regardless of whether the check casher applicant is otherwise licensed or conducting check casher business at any location in this Commonwealth by April 19, 1998, an applicant may commence a check casher business at a new location after April 19, 1998 (new location) only upon receipt of a license from the Department for the new location. For an application for a new location received by the Department prior to January 1, 1999, the Department will have up to 6 months from receipt to process the application. This statement is consistent with section 1104(a) of the act (63 P. S. § 2334(a)), which provides the Department with the 6-month review period for the new location applications. For a license application received by the Department on or after January 1, 1999, the Department will have 60 days from receipt to process the application.

(b) *Publication and public comment.* The applicant for a new location is required to cause notice of the application to be published in a newspaper having general

circulation in each community in which the applicant intends to initially locate, under the following conditions:

(1) Once the Department receives, reviews and deems an application form to be complete, the applicant will be notified in writing.

(2) Within 10 days of receipt of that written notification from the Department, the applicant shall have a separate notice of the application published in a newspaper having general circulation in the community in which the applicant intends to locate. The form of notice to be published is provided to the applicant with the application forms.

(3) Within 30 days of publication of the notice of application in the required newspaper, the applicant shall provide a copy of the newspaper notice and publisher's affidavit to the Department. The newspaper notice and publisher's affidavit may be provided to the Department either through the applicant or directly from the newspaper.

(4) Failure of an applicant to cause the newspaper notice of the application to be published within the 10 days shall cause the Department to return the application, at which time the Department will terminate the application process and commence the process of returning the application fee to the applicant.

(5) Failure of an applicant to cause to provide a copy of the newspaper notice and publisher's affidavit to the Department within 30 days of publication shall cause the Department to return the application, at which time the Department will terminate the application process and commence the process of returning the application fee to the applicant.

(6) In the case of paragraph (4) or (5), the applicant may refile the application with the Department at which time the entire application process begins anew.

(7) Provided the application has not been returned to the applicant under either paragraph (4) or (5), the following procedure is authorized by section 304 of the act (63 P. S. § 2314). Within 30 days of the date of publication of notice of the application (public comment period), a person may file a notice in protest or in favor of the application (public comment) by submitting two copies of the public comment to the Department. The applicant may request a copy of the public comment and may file with the Department an answer to any public comment by submitting two copies of the answer to the Department within 10 days of the end of the 30 day public comment period.

#### LICENSE RENEWAL APPLICATION PROCESS

##### § 81.31. Renewal.

(a) A license issued by the Department shall be renewed on May 1 of each year upon payment of the annual renewal fee by the applicant, filing by the applicant of a completed renewal application and determination by the Department that the licensee is conducting business in accordance with the act.

(b) Since the Department has 60 days from receipt to process the application, timely issuance of a renewal application is conditioned on the Department receiving from the applicant the application fee and a renewal application on or before March 1 of each year. No refund of any portion of the license fee will be made if the

renewal application is withdrawn or the license is voluntarily surrendered to the Department or suspended or revoked by the Department prior to its expiration date.

##### § 81.32. Additional information from applicants for renewal licenses.

The Department may request the filing of additional information to be received by the Department in conjunction with the renewal application. This information will assist the Department in evaluating whether the renewal applicant is financially stable and conducting business in a manner which provides a beneficial check cashing service to the public as stated in section 102 of the act (63 P. S. § 2302). The additional information that the Department requests with the renewal application may include financial statements prepared by the applicant or the applicant's accountant, prepared in accordance with generally accepted accounting principles such as a balance sheet and an income and expense statement.

#### EXAMINATION AND RECORDS

##### § 81.41. Examination of records.

Under sections 104(2) and 506 of the act (63 P. S. §§ 2304(2) and 2326), the Department has authority to examine the records of a check casher and to prescribe the records that will enable the Department to determine whether the check casher is complying with the act. A check casher operating two or more locations may maintain a consolidated or combined set of books and records at its principal office location in this Commonwealth. The books and records should reflect separate figures for each location. The books, accounts and records of the check casher shall be maintained for 5 years under section 506(a) of the act (63 P. S. § 2326(a)) and should be made available to Department examiners. The records should include the following:

(1) *Receipts.* The check casher should maintain a copy of the receipts provided to consumers for each check cashing transaction. The receipts should indicate the name and address of the check casher, transaction date, customer's name, address and type of identification used, item number, date and amount of check cashed, fee charged and the employee's initials. In lieu of placing the customer's name, address and type of identification on the receipt, the check casher may assign an identification number to the customer, if a log is maintained by the check casher at the examination site.

(2) *Daily record of checks cashed.* The check casher should maintain a daily record of all checks cashed which should be reconciled to the deposit records received from each depository used by the check casher.

#### POSTING NOTICE OF FEES AND CHARGES

##### § 81.51. Posting notice of fees and charges.

Check cashers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check casher location.

#### RESTRICTIONS ON BUSINESS

##### § 81.61. Prohibition on cashing certain checks.

Under section 505(a) of the act (63 P. S. § 2325(a)), a licensee may not cash or advance any money on a postdated check. A written or verbal, express or implied,

agreement between the licensee and a customer to delay the processing and presentment of a check, even if the check is not postdated, constitutes a violation of the section 505(a) of the act.

**§ 81.62. Report of certain transactions.**

(a) Under section 505(b) of the act (63 P. S. § 2325(b)), a licensee shall report to the Department each transaction involving a check drawn on a personal account of the maker which is also payable to the maker in accordance with the Federal money laundering statutes and regulations (including 31 U.S.C.A. § 5316, and 31 CFR 103.11

and 103.22 (relating to meaning of terms; and reports of currency transactions)).

(b) The report shall be forwarded to the Department within 10 days of the transaction and shall include the name and address of the person on whose account the check was drawn and the date of the transaction, and should include the amount of the check.

[Pa.B. Doc. No. 98-674. Filed for public inspection May 1, 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 21, 1998.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-15-98	Berks County Bank Reading Berks County	Route 422 and Freeman St. Robesonia Heidelberg Township Berks County	Approved
4-15-98	Laurel Trust Company Johnstown Cambria County	41 North Main Street Suite 100 Greensburg Westmoreland County	Filed
4-17-98	Farmers First Bank Lititz Lancaster County	Mobile Branch Facilities to be used at various locations in Lancaster, Lebanon and York Counties	Filed
4-20-98	Summit Bank Bethlehem Northampton County	Genuardi's Family Market Huntingdon Valley Shopping Center 737 Huntingdon Pike Huntingdon Valley Montgomery County	Approved
4-20-98	Jonestown Bank and Trust Company Jonestown Lebanon County	1765 Quentin Road North Cornwall Twp. Lebanon County	Filed
4-20-98	Woodlands Bank Williamsport Lycoming County	618 West Southern Ave. South Williamsport Lycoming County	Opened
4-21-98	CBS Bank Curwensville Clearfield County	Bucktail Village Route 120 (Bucktail Rd.) St. Marys Elk County	Approved

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-20-98	Fulton Bank Lancaster Lancaster County	2127 New Holland Pike Lancaster Lancaster County	Approved
4-20-98	First Commonwealth Bank Indiana Indiana County	116 East College Ave. State College Centre County	Filed
4-20-98	First Commonwealth Bank Indiana Indiana County	1276 N. Atherton St. State College Centre County	Filed



**SAVINGS ASSOCIATIONS**  
**Voluntary Liquidations**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
4-15-98	The Oxford Building and Loan Association Oxford Chester County	Certificate of Election for voluntary dissolution filed. Effective as of opening of business April 15, 1998.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHIEL,  
*Secretary*

[Pa.B. Doc. No. 98-675. Filed for public inspection May 1, 1998, 9:00 a.m.]

**DEPARTMENT OF  
COMMUNITY AND  
ECONOMIC DEVELOPMENT  
AND DEPARTMENT OF  
PUBLIC WELFARE**

**Application for the HUD Regional Homeless Assistance Process**

The Department of Community and Economic Development (DCED) and the Department of Public Welfare (DPW) are coordinating the 1998 PA Regional Homeless Assistance Process, Pennsylvania's response to the 1998 Stewart B. McKinney Homeless Assistance Act, HUD Continuum of Care Homeless Assistance Competition. This program provides funds to states, local governments and nonprofit organizations to address the housing and service needs of homeless families and individuals. The program, administered by the United States Department of Housing and Urban Development (HUD), requires applicants to undertake a comprehensive planning process to identify homeless needs and resources along a Continuum of Care which includes: Outreach/Intake/Assessment; Emergency Shelter; Transitional Housing; Permanent Housing; Supportive Services.

Homeless programs funded under this initiative are:

*The Supportive Housing Program:*

- Transitional Housing
- Permanent Housing for Persons with Disabilities
- Supportive Services Only
- Safe Havens
- Innovative Supportive Housing

*Shelter Plus Care*

- Tenant-based Rental Assistance
- Sponsor-based Rental Assistance
- Project-based Rental Assistance
- SRO-based Rental Assistance

*Section 8 Moderate Rehabilitation Single Room Occupancy Program*

In this Commonwealth, 24 cities and counties apply and receive McKinney Continuum of Care funding directly from HUD. The remainder of the State is included in the 1998 Regional Homeless Assistance Process. DCED/DPW plans to submit to HUD by the due date, five

regional applications containing regional Continuums of Care. This date has not been announced by HUD but is expected to be sometime in July, 1998. The following is a list of the counties, by DCED Region, which are included in the Regional Homeless Assistance Process:

*Northeast:* Bradford, Carbon, Lackawanna (excluding Scranton), Lehigh (excluding Allentown), Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties.

*Central:* Bedford, Blair (excluding Altoona), Cambria (excluding Johnstown), Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties.

*Harrisburg:* Adams, Cumberland, Dauphin (excluding Harrisburg), Franklin, Lebanon, Perry Counties.

*Southwest:* Armstrong, Butler, Fayette, Greene, Indiana and Lawrence Counties.

*Northwest:* Cameron, Clarion, Clearfield, Crawford, Elk, Erie (excluding City of Erie), Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties.

For a copy of the application call the SuperNOFA Information Center at (800) HUD-8929, or (800) 483-2209 (TTY), Monday through Friday from 8:30 a.m. to 7:30 p.m.

For more information about the 1998 PA Regional Homeless Assistance Process contact: Diana T. Myers and Associates, 6 South Easton Road, Glenside, PA 19038, (215) 576-1419 (phone), (215) 576-8650 (fax).

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 98-676. Filed for public inspection May 1, 1998, 9:00 a.m.]

**DEPARTMENT OF  
CONSERVATION AND  
NATURAL RESOURCES**

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

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Monday, May 11, 1998. The meeting will be held at 10 a.m. in

Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,  
*Chairperson*

[Pa.B. Doc. No. 98-677. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Proposed Exchange of Lands Between DCNR, Bureau of Forestry and Arlin J. Metzler

The Department of Conservation and Natural Resources, acting through the Bureau of Forestry, and Arlin J. Metzler of Lewistown, PA, are proposing to negotiate an exchange of lands in Clinton and Mifflin Counties, PA.

The Bureau of Forestry is proposing to acquire from Arlin Metzler approximately 95 acres of land which comprises a portion of Bear Swamp on the upper reaches

of Tangascootack Creek in Beech Creek Township, Clinton County. This property is bounded on the south and west by the Sproul State Forest.

In return, the Bureau of Forestry proposes to convey to Arlin Metzler a parcel containing 4.75 acres. This property is situated along Township Road No. 459 approximately one-half mile west of the village of Barrville in Brown Township, Mifflin County.

As is the policy of the Department of Conservation and Natural Resources, the public is hereby notified of this exchange. A 30-day period for public inquiry or comment will be in effect commencing May 4, 1998 and ending June 2, 1998. Oral or written comments or questions concerning this proposed exchange may be addressed to: Dr. James R. Grace, State Forester, Pennsylvania Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2703. These oral or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department of Conservation and Natural Resources may schedule a public informational meeting.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 98-678. Filed for public inspection May 1, 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 (800) 654-5984.

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

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

**PA 0011274.** Industrial waste, **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

This application is for renewal of an NPDES permit to discharge treated filter backwash water from Philadelphia Suburban Water Company's Neshaminy water treatment plant.

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 0.206 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
pH	within limits of 6.0—9.0 standard units at all times		
Total Aluminum	0.82	1.64	2.05
Total Manganese	1.0	2.0	2.5
Total Mercury	monitor/report	monitor/report	monitor/report
Total Residual Chlorine (issuance—year 2) (year 3—expiration)	monitor/report 0.045	monitor/report 0.09	monitor/report 0.11

The proposed effluent limits for Outfall 002, based on an average flow of 0.581 mgd are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	60	75
pH	within limits of 6.0—9.0 standard units at all times	
Total Iron	3.1	3.9
Total Aluminum	1.0	1.25
Total Manganese	3.0	3.75
Total Residual Chlorine (issuance—year 2) (year 3—expiration)	monitor/report 0.09	monitor/report 0.11

The EPA waiver is in effect.

Conditions for future permit modification.

Special Test Methods for certain pollutants.

Final water quality based effluent limitations for Total Residual Chlorine.

**PA 0054402.** Industrial waste, **Brooke Instruments, Inc.**, 407 West Vine Street, Hatfield, PA 19440.

This application is for renewal of an NPDES permit to discharge treated groundwater from Brooks Instruments, Inc. in Hatfield Borough, **Montgomery County**. This is an existing discharge to West Branch of 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 36,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	0.014	0.028	0.035
Tetrachloroethylene	0.0014	0.0028	0.0035
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

**PA 0044016.** Industrial waste, SIC: 0921, **PA Fish and Boat Commission—Linesville Fish Culture Station**, P. O. Box 127, Linesville, PA 16424-0127.

This application is for a renewal of an NPDES permit, to discharge treated I. W. to the Pymatuning Reservoir in Pine Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: WWF, 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 Pymatuning State Park—Tuttle Point intake on the Pymatuning Reservoir located in North Shenango Township, Crawford County, approximately 3 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.227 mgd, are:

*Outfall No. 001*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	35		70
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.288 mgd, are:

*Outfall No. 002*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.096 mgd, are:

*Outfall No. 003*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	30		60
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.116 mgd, are:

*Outfall No. 004*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	35		70
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.247 mgd, are:

*Outfall No. 005*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	15		30
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 006*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	50		100
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 007*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	35		70
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 008*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	35		70
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 009*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	30		60
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 010*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	35		70
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 011*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	35		70
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 012*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	35		70
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.065 mgd, are:

*Outfall No. 013*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 014*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	25		50
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 015*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	30		60
pH	within limits of 6.0—9.0 standard units at all times		

The proposed discharge limits, based on a design flow of 0.36 mgd, are:

*Outfall No. 016*

<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		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	25		50
Formaldehyde	not detectable, using the most appropriate analytical method		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

**PA 0002500.** Industrial waste, SIC: 3622, **Kane Magnetics International**, 700 Elk Avenue, Kane, PA 16735-1068.

This application is for renewal of an NPDES permit, to discharge noncontact cooling water and Group 2 stormwater to an unnamed tributary to West Run in Kane Borough, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: HQ-CWF, 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, Venango County, approximately 93 miles below discharge.

The proposed discharge limits, based on a design flow of 0.126 mgd, are:

*Outfall No. 001 (Interim Limits) (From permit issuance until Schedule Date No. 5 on Page 18)*

<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		
TSS	30		75
Oil and Grease	15		30
Total Iron	1.6	3.2	4
Lead	0.002	0.004	0.005
Zinc	0.062	0.124	0.155
*Copper	monitor and report	monitor and report	
*Chloroform	monitor and report	monitor and report	
*Phenol (10-A)	monitor and report	monitor and report	
Total Residual Chlorine	0.5		1.6
Temperature (°F)		<i>Daily Average</i>	
January 1—31		34	
February 1—29		35	
March 1—31		39	
April 1—15		46	
April 16—30		52	
May 1—15		55	
May 16—31		59	
June 1—15		63	
June 16—30		67	
July 1—31		71	
August 1—15		70	
August 16—31		70	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
September 1—15		66	
September 16—30		60	
October 1—15		55	
October 16—31		51	
November 1—15		46	
November 16—30		40	
December 1—31		35	
pH	within limits of 6.0—9.0 standard units at all times		

\*—Refer to the TRE Condition in Part C.

1. Final water quality based effluent based limitation for Total Iron, Lead, Zinc, Temperature.
2. Requirement to submit a Toxic Reduction Evaluation by within 18 months of PID.
3. Conditions for future permit modification.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

Schedule of Compliance on Page 18.  
 Stormwater Outfalls Condition in Part C.  
 Chemical Additives Condition in Part C.

The proposed discharge limits, based on a design flow of \*0.005 mgd, are:

*Outfall No. 001 (Final Limits) (From the Schedule Date No. 5 on Page 18 to the permit expiration date)*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Zinc	monitor and report		
Lead	monitor and report		
Oil and Grease	monitor and report		
	This outfall shall consist only of springs and uncontaminated ground-water entering the stormdrain system. No noncontact cooling water shall be discharged through Outfall 001.		
pH	Within limits of 6.0—9.0 standard units at all times		

\*—See Part C Condition for nonstormwater authorized discharges.

The EPA waiver is in effect.

**PA 0021504. Sewage. Western Butler County Authority, P. O. Box 427, Zelienople, PA 16063.**

This application is for renewal of an NPDES permit to discharge treated sewage to the Connoquenessing Creek in Zelienople Borough, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority-Eastvale Plant intake on the Beaver River located at Beaver Falls, approximately 27 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 1.5 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitor and report	
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	2		24
Phosphorus (as P)			
(4-1 to 10-31)	2		4
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		15,700/100 ml as a geometric average	
Total Residual Chlorine			
(Interim)	0.5		1.6
(Final)	0.4		1.45
pH		6.0—9.0 at all times	

The EPA waiver is not in effect.

**PA 0024511.** Sewage. **Redbank Valley Municipal Authority**, 212 LaFayette Street, New Bethlehem, PA 16242.

This application is for renewal of an NPDES permit to discharge treated sewage to Redbank Creek in New Bethlehem Borough, **Clarion County**. This is a POTW discharge.

The receiving water is classified for the following uses: trout stocked 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 Western Pennsylvania Water Company—Kittanning District on the Allegheny River located at Kittanning, approximately 35 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.3 mgd, are:

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

The EPA waiver is in effect.

**PA 0102903.** Industrial waste, SIC: 1311 (Crude Oil and Natural Gas Production), **Allegheny Environmental Corporation**, P. O. Box 149, Franklin, PA 16323.

This application is for renewal of an NPDES permit, to discharge treated industrial waste to the Allegheny River in Sandycreek Township, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Authority on the Allegheny River at Emlenton, approximately 32 miles below the point of discharge.

The proposed effluent limits for Outfall No. 001 are:

<i>Parameters</i>	<i>Concentrations (mg/l)</i>		
	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)		0.042	
TSS	30		60
Oil and Grease	15		30
Total Iron	3.5		7.0
Acidity		less than alkalinity	
Alkalinity		monitor and report	
Chloride		monitor and report	
pH		within limits of 6.0—9.0 standard units at all times	

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 0026425.** Sewage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15222.

This application is for renewal of an NPDES permit to discharge treated sewage from the Lincoln Road Sewage Treatment Plant in the Municipality of Penn Hills, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Shades Run, 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 City of Pittsburgh Water Department on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.24 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
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		



<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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 0090018.** Sewage, **North Strabane Township Municipal Authority**, 1929 B, Route 519 South, Canonsburg, PA 15317.

This application is for amendment of an NPDES permit to discharge treated sewage from Willolake Sewage Treatment Plant in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Chartiers 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 on the Ohio River.

*Outfall 001:* existing discharge. Request made to establish effluent limitations for a discharge flow of 0.07 mgd which is half the plant's design capacity.

<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>	10	15		20
Suspended Solids	25	37.5		50
Ammonia Nitrogen				
(5-1 to 10-31)	2	3		4
(11-1 to 4-30)	4.5	6.8		9
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				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.09			0.22
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 0091219.** Sewage, **Plum Borough Municipal Authority**, 4575 New Texas Road, Pittsburgh, PA 15239.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Little Plum 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 Wilksburg-Penn Joint Water Authority at Allegheny River Mile Point 8.8.

*Outfall 001:* existing discharge, design flow of 0.014 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
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				
(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.

**PA 0094315.** Sewage, **Thomas Wiles, D.V.M.**, 110 Sandy Creek Road, Verona, PA 15147-1728.

This application is for renewal of an NPDES permit to discharge treated sewage from the Thomas Wiles Sewage Treatment Plant in Municipality of Penn Hills, **Allegheny County**.

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

*Outfall 001:* existing discharge, design flow of 0.0004 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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0204986.** Sewage, **Yellow Truckers & Electronic Services, Inc.**, P. O. Box 3, Youngwood, PA 15697.

This application is for renewal of an NPDES permit to discharge treated sewage from Yellow Truckers & Electronic Services STP in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lick Run, 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 McKeesport Municipal Water Authority.

*Outfall 001:* existing discharge, design flow of .0004 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)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
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.

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

**PA 0063100.** Sewerage, SIC, **Harford Township Board of Supervisors**, P. O. Box 250, Harford, PA 18823.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Nine Partners Creek in Harford 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 Water Authority on Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .05 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N	10		20
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			
(1st month—24th month)	monitor and report		monitor and report
(25th month—expiration date)	1.2		2.8

The EPA waiver is in effect.

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

**PA 0208612.** SIC: 4952, **Ridgebury Township Supervisors**, R. R. 3, Box 248A, Gillette, PA 16925.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to an unnamed tributary to Bentley Creek in Ridgebury Township, **Bradford County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the PA/NY border located approximately 3.2 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0035 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
NH <sub>3</sub> -N	5	10
Total Chlorine Residual	1.0	2.3
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 su at all times	

*Other Conditions:*

(1) Total Chlorine Residual limits effective 3 years from permit issuance date. Monitoring and reporting required in the interim.

The EPA waiver is in effect.

**PA 0111635.** Industrial waste, SIC: 4941, **Spring Township Municipal Authority**, P. O. Box 133, Beaver Springs, PA 17812.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Kern Run in Beaver Township, **Snyder County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidate Water Company located at Dauphin.

The proposed effluent limits for Outfall 001, based on a design flow of 0.004 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
TSS	30	60			
Total Iron	2	4			
Total Manganese	1	2			
Total Aluminum	4	8			
Total Chlorine	2		4.7		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0112305.** Sewerage, SIC: 4952, **Wyalusing Municipal Authority**, P. O. Box 61, Wyalusing, PA 18853.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Susquehanna River in Wyalusing Borough, **Bradford County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.1 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0209597.** Sewerage, SIC: 4952, **Delmar Township**, R. R. 5, Box 70A, Wellsboro, PA 16901.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage wastewater to East Branch Stoney Fork in Delmar Township, **Tioga County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purposes 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 Jersey Shore Water Company located on Pine Creek approximately 50 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.045 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0028266.** SIC: 4952, **Borough of Troy**, 110 Elmira Street, Troy, PA 16947.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to Sugar Creek in Troy Borough, **Bradford County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Danville Borough located approximately 100 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.4 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15.0	25.0	30.0
(11-1 to 4-30)	25.0	40.0	50.0
Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		4.5
(11-1 to 4-30)	4.5		13.5
Total Chlorine Residual	0.4		1.3
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 su at all times		

*Other Conditions:*

(1) Total Chlorine Residual limits effective 3 years from permit issuance date. Monitoring and reporting required in the interim.

The EPA waiver is in effect.

**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 commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**A. 6598203.** Industrial waste. **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014-1597. Application for the installation of a pH adjustment system located in the Borough of West Leechburg, **Westmoreland County** to serve the West Leechburg Plant Bagdad Wastewater Treatment Plant.

**A. 5672401-A1.** Sewerage. **Upper Stoneycreek Joint Municipal Authority**, P. O. Box 24, Hooversville, PA 15936 (Quemahoning Township, **Somerset County**).

The Authority's proposed facilities include the upgrade and expansion of their existing sewage treatment plant and existing pump station work. The modifications are needed for the future expansion of their service area and the recent imposition of more stringent effluent limits (NPDES PA0042561).

The Authority proposes to use Pennsylvania's State Revolving Fund administered by the Pennsylvania Infrastructure Investment Authority (PENNVEST) for the construction of these sewerage facilities. The Depart-

ment's review of the information received has not identified any significant environmental impact resulting from this proposal.

**INDIVIDUAL PERMITS  
(PAS)**

**NPDES 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. The proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

*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>
Somerset County Somerset Township	PAG046146	Roger Young 140 Oak Street Somerset, PA 15501	Unnamed Tributary leading to the west branch of Coxes Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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

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

**NPDES Permit PAS10S067.** Stormwater. **Wal-Mart No. 2365**, 2001 S. E. 10th St., Bentonville, AR 72712-6489, has applied to discharge stormwater from a construction activity located in the Borough of Mt. Pocono, **Monroe County**, to Forest Hills Run.

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

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

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

**NPDES Permit PAS10-G314.** Stormwater. **Downingtown Area School District**, 122 Wallace Avenue, Downingtown, PA 19335, has applied to discharge stormwater from a construction activity located in Uwchlan Township, **Chester County**, to Valley and Shamona Creek.

**NPDES Permit PAS10-G315.** Stormwater. **C. Nelson Hall**, 300 West Hall Road, Lincoln University, PA has applied to discharge stormwater from a construction activity located in Lower Oxford Township, **Chester County**, to Big Elk Creek.

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

**NPDES Permit PAS10W067.** Stormwater. **West McMurray Development Corporation**, 300 Weyman Plaza, Suite 210, Pittsburgh, PA 15236 has applied to discharge water from a construction activity located in North Strabane Township, **Washington County** to Chartiers Creek and Canonsburg Lake.

**NPDES Permit PAX10X089.** Stormwater. **CNG Transmission Corporation**, 445 West Main Street, Clarksburg, WV 26301 has applied to discharge water from a construction activity located in Hempfield and Salem Townships, **Westmoreland County** to Beaver Run.

**SAFE DRINKING WATER**

**Application issued for Construction Permits issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Regional Office: Northcentral Field Operations, Environmental Program Manager; 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. M. A.** The Department issued a construction permit to **Rolling Hills Manor Nursing Home** (R. D. 1, Box 646, Milmont, PA 17845; Hartley Township, **Union County**) for modifications to Well No. 1.

**A. M. A.** The Department issued a construction permit to **Mansfield University** (Brooks Maintenance Building, Mansfield, PA 16933; Mansfield Borough, **Tioga County**) for authorization of construction of corrosion control facilities to comply with the lead and copper rule.

**A. M. A.** The Department has received an operating/construction permit for **Hidden Valley Mobile Home Park** (R. D. 2, Box 856, Lock Haven, PA 17745; Woodward Township, **Lycoming County**) for expansion of a water supply to 46 homes.

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**Application issued for Operation Permits issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. M. A.** The Department issued an operating permit for **Shinglehouse Borough** (P. O. Box 156, Shinglehouse, PA 16748; Shinglehouse Borough, **Potter County**) for amendment to public water supply operation permit designating the performance requirements for optimal corrosion control treatment under the lead and copper rule issued February 3, 1997.

**A. MA-5260.** The Department issued an operating permit to **Kipps Run Mobile Home Park** (300 North Second Street, Penthouse Suite, Harrisburg, PA 17108-0430; Riverside Borough, **Northumberland County**) for operation of the disinfection facilities at Kipps Run Mobile Home Park, including both pre and post chlorination.

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**Application received for Bottled Water Permits issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. 4496031-A6-M. A.** The Department has received a Bottled Water Labeling permit for **Tulpehocken Spring Water Company** (R. D. 1, Box 157, Sunbury, PA 17801-9746; Rockefeller Township, **Northumberland County**) to add 5 gallon labels to existing permit.

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

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*Bureau of Water Supply Management, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105. Contact: Godfrey C. Maduka; (717) 787-9037.*

**A. 9996217. Great Spring Waters of America, Inc.,** P. O. Box 499, Poland Spring, ME 04274; Kristin Tardiff, Eastern Region Water Resources Manager. Applicant requests Department approval for a major permit amendment to use a spring water source from the Pure Mountain Springs in Fryeburg, Maine. Water from this source will be bottled under their Deer Park and Ice Mountain bottled water brands. The following bottled water brands will be marketed in Pennsylvania: Poland Spring Natural Spring Water, Deer Park Spring Water, Deer Park Distilled Water, Ice Mountain Spring Water, Great Bear Natural Spring Water and Poland Spring Distilled Water.

**A. 9996458. Castle Rock Spring Water,** 4121 Dunsmuir Ave., Dunsmuir, CA 96025-1704; Scott Lisdter, VP Operations. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand names: Castle Rock Spring Water and Gerber Spring Water with Fluoride.

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**RESIDUAL WASTE PROCESSING FACILITIES**

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**Permit modification (for Form S type waste) received to accept municipal-like residual waste at municipal waste transfer facilities.**

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

**Permit I. D. No. 101590. Beach Lake Transfer Station,** Grand Central Sanitation, Inc., 1963 Pen Argyl Road, Pen Argyl, PA 18072. A Major Permit Modification for the Acceptance of Form S Municipal-Like Residual Waste at this municipal waste transfer facility, located in Berlin Township, **Wayne County**. The major permit modification was received in the Regional Office on March 26, 1998 and was found to be administratively complete as of April 1, 1998.

**Permit I. D. No. 101537. Hinkle Hauling Service, Inc. Transfer Station,** Hinkle Hauling Service, Inc., 1725 Brookside Road, Macungie, PA 18062. A Major Permit Modification for the Acceptance of Form S Municipal-Like Residual Waste at this municipal waste transfer facility, located in Lower Macungie Township, **Lehigh County**. The major permit modification was received in the Regional Office on March 19, 1998 and was found to be administratively complete as of April 1, 1998.

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

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**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for post-closure of a hazardous waste treatment, storage or disposal facility.**

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*Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.*

**A. PAD003050846. GTE Muncy, GTE Operations Support, Inc.** (One Stamford Forum, Stamford, CT 06904). Application for post-closure permit for a hazardous waste facility located in Muncy Township, **Lycoming County**, received in the regional office on March 24, 1998.

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**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**A. 400592. Lancaster County Solid Waste Management Authority Resource Recovery Facility,** Lancaster County Solid Waste Management Authority,

1299 Harrisburg Pike, P. O. Box 4425, Lancaster, PA 17604). Denial of Form U (Request to Accept Waste) for American Cyanamid for the disposal of pesticides, herbicides and debris. Request received in the Regional Office March 30, 1998. Denied in the Regional Office April 14, 1998.

**A. 100346. Pioneer Crossing Landfill, F R & S** (717 Red Lane Road, Birdsboro, PA 19508). Denial of three Form 43's (Request for Approval to Dispose of or Process Sewage Sludge) for disposal of sewage sludge. Applications received February 23 and March 3, 1998 and denied in the Southcentral Region on April 7, 1998.

## AIR POLLUTION OPERATING PERMITS

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

*Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**09-313-082: M G Industries** (1399 New Ford Mill Road, Morrisville, PA 19067) for the operation of a residual cylinder gases in Falls Township, **Bucks County**.

**46-302-211A: Pottstown Memorial Medical Center** (1600 High Street, Pottstown, PA 19464) for the operation of two package duel-fuel boilers in Pottstown Borough, **Montgomery County**.

**46-399-106: Naval Air Station Joint Reserve Base** (Naval Air Station, Route 611, Willow Grove, PA 19090) for the operation of a plastic media blast booth in Horsham Township, **Montgomery County**.

**46-318-044: Naval Air Station Joint Reserve Base** (Naval Air Station, Bldg. 78, Code 20, Willow Grove, PA 19090) for the operation of a paint spray booth in Horsham Township, **Montgomery County**.

**15-301-071A: Wyeth-Ayerst Laboratories, Inc.** (31 Morehall Road, Paoli, PA 19301) for the operation of a waste incinerator in East Whiteland Township, **Chester County**. This will be consolidated into OP-15-0018.

**23-318-001E: Congoleum Corp.** (Ridge Road and Yates Avenue, Marcus Hook, PA 19061) for the operation of a surface coating operation in Trainer Borough, **Delaware County**.

**15-399-047: CFM Technologies, Inc.** (1381 Enterprise Drive, West Chester, PA 19380) for the operation of a flat panel display cleaning system in East Goshen Township, **Chester County**.

**09-313-074A: Solkatronic Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) for the operation of a speciality gas plant in Falls Township, **Bucks County**.

**46-302-204: Tuscan/Lehigh Dairies L. P.** (880 Allentown Road, Lansdale, PA 19446) for the operation of a Mohawk superior boiler in Upper Gwynedd Township, **Montgomery County**.

**15-318-010F: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) for the operation of a production scrubber System III in Tredyffrin Township, **Chester County**.

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**54-322-002A: Pine Grove Landfill Inc.** (Rural Route 4, Box 227, Pine Grove, PA 17963) for the operation of the landfill gas extraction system at Schultz Road, Pine Grove Township, **Schuylkill County**.

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

**01-303-008: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) for the installation of a Batch Asphalt Plant located in Cumberland Township, **Adams County**. This source is subject to 40 CFR 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

**29-3001: JLG Industries, Inc.** (JLG Drive, McConnellsburg, PA 17233) for a rotoblast unit and a paint spray booth controlled by a fabric collector and dry filters for the Equipment Services Division Facility in Ayr Township, **Fulton County**.

**36-310-027E: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for a gyrasphere crusher controlled by a fabric collector in East Cocalico Township, **Lancaster County**.

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

**55-318-007C: Wood-Mode, Inc.** (#1 Second Street, Kreamer, PA 17833) for the operation of two wood cabinet finishing operations (Cefla and Berkman Lines) controlled by a thermal oxidizer in Middlecreek Township, **Snyder County**.

**8-316-001B: Masonite Corporation** (P. O. Box 311, Towanda, PA 18848) for the operation of a hardboard plant die form felter area and a scrubber in Wysox Township, **Bradford County**.

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

**OP-65-00890: Carbide Corp.** (900 Main Street, P. O. Box 228, Lower, PA 15660) for tool and die manufacturing at the Lowber Facility in Sewickley Township, **Westmoreland County**.

**OP-04-00082: Mayfield Foundry, Inc.** (P. O. Box 1638, West Fourth Avenue, Beaver Falls, PA 15010) for iron foundry in West Mayfield Borough, **Beaver County**.

**OP-65-00817: Sand & Gravel Co.** (400 Industrial Blvd., New Kensington, PA 15068) for asphalt paving material manufacturing at the Davison Asphalt Supply in Lower Burrell Township, **Westmoreland County**.

**OP-63-00494: Fort Cherry School District** (110 Fort Cherry Road, McDonald, PA 15057) for Jr./Sr. High School in Mt. Pleasant Township, **Washington County**.

**OP-65-00005: Kiski Valley Water Poll** (1200 Pine Camp Road, Leechburg, PA 15656) for sewage treatment plant in Allegheny Township, **Westmoreland County**.

**OP-04-00083: Beaver Valley Allow Foundry Co.** (1899 Brodhead Road, Monaca, PA 15061) for steel foundry in Monaca Borough, **Beaver County**.

**OP-65-00587: Westmoreland County** (2480 Grande Blvd., Greensburg, PA 15601) for four gas-fired steam boilers at the Westmoreland Manor Boiler Plant in Greensburg, **Westmoreland County**.

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



**PA-10-021B: INDSPEC Chemical Corp.** (P. O. Box 307, 133 Main Street, Petrolia, PA 16050) for the operation of a formaldehyde storage tank in Petrolia, **Butler County**.

**PA-10-042A: Keystone Aluminum, Inc.** (P. O. Box 807, Mars, PA 16046) for the operation of a scrap shredder in Adams Township, **Butler County**.

**PA-10-148A: Ervin Industries Inc.** (681 East Butler Road, Butler, PA 16001) for the operation of electric arc furnaces in Summit Township, **Butler County**.

**PA-10-281A: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) for the operation of a batch vapor degreaser in Clinton Township, **Butler County**.

**10-308-016A: Keystone Aluminum, Inc.** (P. O. Box 807, Mars, PA 16046) for the operation of an aluminum melting furnace in Adams Township, **Butler County**.

**16-399-008: Peoples Natural Gas Co.** (625 Liberty Avenue, Pittsburgh, PA 15222) for the operation of three natural gas engines in Redbank Township, **Clarion County**.

**PA-20-194A: Lord Corp.** (P. O. Box 556, Saegertown, PA 16433) for the operation of a reactor/hold tank in Saegertown, **Crawford County**.

**PA-24-012A: Carbide/Graphite Group, Inc.** (800 Theresia Street, St. Marys, PA 15857) for the operation of coke and graphite material handling, milling, screening and mixing in St. Marys, **Elk County**.

**PA-37-162A: Precision Plating Co., Inc.** (407 Summitview Drive, New Castle, PA 16105) for the operation of chromium electroplating units, in Neshannock Township, **Lawrence County**.

**SM-10-00171: Butler Color Press Inc.** (P. O. Box 31, Bonnie Brook Industrial Park, Butler, PA 16003-0031) for the operation of a surface coating operation in Butler, **Butler County**.

#### AIR QUALITY OPERATING PERMIT

##### Notice of Intent to Revise Operating Permits for Large Municipal Waste Combustors

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated Emission Guidelines (EG) to control the emission of combustor gases from existing large municipal waste combustors (MWCs). (See 60 FR 65382, December 19, 1995, and 62 FR 45116, August 25, 1997). The guidelines are codified at 40 CFR Part 60, Subpart Cb (relating to emission guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994). The Subpart Cb requirements apply to any existing large MWC unit that is capable of combusting more than 250 tons per day of municipal solid waste.

The Department of Environmental Protection (Department) intends to submit Section 111(d)/129 State Plan for large MWCs to EPA by March 27, 1998. In accordance with the Plan, the Department will implement the EG by incorporating the applicable requirement of 40 CFR Part 60, Subpart Cb into Federally Enforceable State Operating Permits (FESOPs). The revised FESOPs will serve as the legally enforceable mechanism to implement the Subpart Cb requirements.

Copies of the proposed permit amendments and other relevant information are available for public inspection and additional information may be obtained by contacting the Department's Southeast Regional Office.

Interested persons may submit written comments, suggestions or objections concerning the proposed permit amendments 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 any objections to the issuance of the revised permit 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 the hearing at least 30 days prior to the hearing.

The following designated MWC facilities must comply with the Subpart Cb requirements.

*Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Thomas McGinley, (610) 832-6242.*

**09-0013: Wheelabrator Falls Inc.** (1201 New Ford Mill Road, Morrisville, PA 19067) in Falls Township, **Bucks County**.

**23-0004: American Ref-Fuel Co.** (10 Highland Avenue, Chester, PA 19013) in Chester, **Delaware County**.

#### PLAN APPROVALS

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

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**39-310-014: Copley Aggregated Inc.** (P. O. Box 58, Northampton, PA 18067) for the construction of a stone crushing plant in Whitehall Township, **Lehigh County**.

**39-313-041: Puritan Products Inc.** (635—711 Mill Street, Allentown, PA 18103) for the construction of three chemical blending and packaging systems at 2290 Avenue A, in Bethlehem, **Lehigh County**.

**40-318-038A: Comfort Designs Inc.** (P. O. Box 3000, Kingston, PA 18704) for the modification of a paint spray operation at 263 Schuyler Avenue, Kingston Borough, **Luzerne County**.

**40-328-002: Williams Generation Co.** (Rural Route 1, Box 409D, Humboldt Industrial Park, Hazleton, PA 18201) for the construction of a gas fired turbine in Hazle Township, **Luzerne County**.

**48-310-025A: Eastern Industries Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for the modification of a stone crushing plant in Lower Macungie Township, **Northampton County**.

**54-313-060A: Air Products & Chemical Co., Inc.** (P. O. Box 351, Tamaqua, PA 18252) for the modification of a spent cylinder evacuation system in Rush Township, **Schuylkill County**.

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

**01-310-033A: ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214) for the construction of two fabric collectors in Hamiltonban Township, **Adams County**.

**28-310-002C: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) for the installation of two triple deck screens, one double deck screen, a GE Environmental dust collector, two air classifiers, one silo and a cone crusher in Guilford Township, **Franklin County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**36-315-016A: R. R. Donnelley & Sons Co.** (1375 Harrisburg Pike, Lancaster, PA 17601) for the installation of a cyclone with fabric collector in Lancaster City, **Lancaster County**.

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

**17-305-012A: Fuel Fabricators** (P. O. Box 368, Bigler, PA 16825) for the construction of a bituminous coal-fired boiler and a multicyclone in Bradford Township, **Clearfield County**.

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

**PA-56-268A: Industries, Inc.** (R. D. 3, Box 58, Boswell, PA 15531) for polyester resin at the Boswell Facility in Jenner Township, **Somerset County**.

**PA-65-016D: Latrobe Steel Co.** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) for melt shop at the Latrobe Plant in Latrobe Borough, **Westmoreland County**.

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

**PA-10-282A: Butler County Humane Society** (1002 Evans City Road, Renfrew, PA 16061) for construction of an animal crematory/incinerator with a rated capacity of 75 lb/hr in Renfrew, **Butler County**.

**PA-25-974A: HiTech Plating** (1015 West 18th Street, Erie, PA 16502) for operation of eight tank hard chromium plating facility (2,500 small tools plated/yr) controlled by a packed bed scrubber in Erie, **Erie County**.

**PA-25-952A: Bush Industries of Pennsylvania, Inc.** (2455 Robison Road West, Erie, PA 16509) for construction of a UV lacquer finishing line for wood products (continuous 26,500 m<sup>3</sup>/hr), in Summit Township, **Erie County**.

**PA-24-083C: Carbone of America Industries Corp.** (1032 Trout Run Road, St. Marys, PA 15857) for construction of a carbon baking furnace (1.5 million lbs, green weight, carbon per cycle) with thermal incinerator control in St. Marys, **Elk County**.

**PA-10-028A: Armstrong Cement & Supply Co.** (100 Clearfield Road, Cabot, PA 16023) for installation of a baghouse (58,000 ACFM) on an existing air separator and ball mill in Cabot, **Butler County**.

## REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

### 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 3031 Industry Road, East Hempfield 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 tons 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 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

#### MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation

Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to 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.

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

*Coal Applications Received:*

**11980101. L & J Energy Company, Inc.** (P. O. Box I, Grampian, PA 16838), commencement, operation and

restoration of bituminous strip-auger mine in Susquehanna Township, **Cambria County**, affecting 130.0 acres, receiving stream unnamed tributaries of Douglas Run to Douglas Run and West Branch of the Susquehanna River, application received April 8, 1998.

**11813005. Permit Renewal. Ratay Coal, Inc.** (R. D. 1, Box 198, Penn Run, PA 15765), commencement, operation and restoration of bituminous strip mine, valid for reclamation, only in Conemaugh Township, **Cambria County**, affecting 224.2 acres, receiving stream unnamed tributaries to/and Clapboard Run, application received April 10, 1998.

**11980201. Ridge Energy Company** (R. D. 2, Box 429, Clymer, PA 15728), commencement, operation and restoration of bituminous coal refuse reprocessing and coal refuse disposal mine in West Carroll Township, **Cambria County**, affecting 25.0 acres, receiving stream Fox Run to West Branch Susquehanna River, application received April 10, 1998.

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

**65980101. Ralph Smith & Son, Inc.** (200 Second Street, Derry, PA 15627). Application received for commencement, operation and reclamation of a bituminous surface mine located in Bell and Loyalhanna Townships, **Westmoreland County**, proposed to affect 55.0 acres. Receiving streams: unnamed tributaries of Wolford Run to Wolford Run to the Kiskiminetas River to the Allegheny River. Application received April 8, 1998.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**56851303. RoxCoal, Inc.** (2851 Stoystown Rd., P. O. Box 149, Friedens, PA 15541), to revise the permit for the Barbara 1 and 2 Mines in Stonycreek Township, **Somerset County** to add four dewatering boreholes and a 10" waterline, no additional discharges. Application received March 30, 1998.

**56841325. RoxCoal, Inc.** (2851 Stoystown Rd., P. O. Box 149, Friedens, PA 15541), to renew the permit for the Laurel Mine in Shade Township, **Somerset County**, no additional discharges. Application received March 26, 1998.

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

*Noncoal Permits Received*

**64980301. Milestone Materials, Inc.** (P. O. Box 231, Easton, PA 18044-0231), commencement, operation and restoration of a large sandstone quarry operation in Lake Township, **Wayne County**, affecting 47.0 acres, receiving stream Middle Creek. Application received April 1, 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. 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.

**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.**

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

**E10-278.** Encroachment. **Cranberry Township**, 2525 Rochester Road, Cranberry, PA 16066. To remove the existing 36-inch-diameter culvert and to place and maintain an aluminum multi-plate arch stream enclosure measuring 17 feet wide by 8 feet high by 150 feet long on a relocated section of Powell Road (T-300) across a tributary to Brush Creek (WWF). The project is located on Powell Road (T-300) across a tributary to Brush Creek approximately 4,450 feet north of the intersection of Powell Road (T-300) and Rochester Road (S. R. 3002) (Baden, PA Quadrangle N: 15.0 inches; W: 2.5 inches) located in Cranberry Township, **Butler County**.

**E20-455.** Encroachment. **Pa. Dept. of Transportation**, Engineering District 1-0, 1140 Liberty Street, P. O. Box 711, Franklin, PA 16323-1289. To construct and maintain a two-span steel multi-girder bridge with each span measuring 155 feet in length and a maximum underclearance of 52 feet on S. R. 3013 (Conneaut Lake Road) across McMillen Hollow Run (TSF). This project will replace the existing bridge which was demolished in October 1997 due to public safety concerns (EA20-003NW, and WL2097601). The project is located on S. R. 3013 (Conneaut Lake Road) across McMillen Hollow Run approximately 1,500 feet south of the intersection of S. R. 3013 (Conneaut Lake Road) and S. R. 3006 (Atlantic Road) in the Village of Atlantic (Conneaut Lake, PA Quadrangle N: 0.1 inch; W: 12.0 inches) located in East Fallowfield Township, **Crawford County**.

**E20-456.** Encroachment. **Pa. Dept. of Transportation**, Engineering District 1-0, 1140 Liberty Street, P. O. Box 711, Franklin, PA 16323-1289. To remove the existing single span steel stringer bridge and to construct and maintain a single span concrete adjacent box beam bridge with a clear span of 32 feet, an underclearance of 3 feet, 8 inches, on a 60 degree skew on S. R. 0089 across Dolly Run (WWF). The project is located on S. R. 0089 across Dolly Run approximately 6,400 feet south of the intersection of S. R. 0089 and S. R. 1032 at Rendalls Corners. This project will also include placement of a Ford crossing approximately 65 feet upstream of the bridge for access of both sides of the stream by the property owner's farm

equipment (Titusville North, PA Quadrangle N: 15.3 inches; W: 5.4 inches) located in Rome Township, **Crawford County**.

**E42-254.** Encroachment. **Fleming Companies**, P. O. Box 1086, Buffalo, NY 14240-1086. To construct and maintain two additions onto the Eastern side of the existing Market Basket Supermarket within the floodway of Lillibridge Creek south of Mill Street, one measuring approximately 55 feet long by 35 feet wide and the other measuring approximately 60 feet long by 25 feet wide (Port Allegany, PA Quadrangle N: 10.75 inches; W: 4.25 inches) located in Port Allegany Borough, **McKean County**.

**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).

*Permits Issued and Actions on 401 Certification*

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

**E20-454.** Encroachment. **Maryann Schultz**, 18310 Stan Road, Meadville, PA 16335. To remove an existing barn, silo and other small structures and to construct and maintain a 40-foot-wide by 80-foot-long pole building within the 100-year floodway of French Creek approximately 1,200 feet northwest of the intersection of Terrace Street Extension and Stan Road (T-613) (Meadville, PA Quadrangle N: 7.7 inches; W: 6.5 inches) in West Mead Township, **Crawford County**.

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

**E65-691.** Encroachment. **Penn Township Commissioners**, P. O. Box 452, Harrison City, PA 15636-0452. To remove the existing structure and to construct and maintain a box culvert having a normal span of 24.0 feet and an underclearance of 5.8 feet in Bushy Run (TSF). This permit also authorizes the placement and maintenance of fill in a de minimis area of wetlands less than or equal to 0.05 acre. The project is located on Bratkovich Road, approximately 1.9 miles east of the intersection of Harrison City, Export Road and Main Street (Greensburg, PA Quadrangle N: 9.2 inches; W: 5.4 inches) in Penn Township, **Westmoreland County**.

**E65-692.** Encroachment. **Franklin Regional School District**, 3210 School Road, Murrysville, PA 15668. To construct and maintain a 30-inch outfall pipe and a rock lined outfall channel along the east bank of Haymakers Run (HQ-CWF) for the purpose of alleviating a ponding problem on an adjoining property. The project is located on the east side of Sardis Road, approximately 3 miles north of U. S. Route 22 (Murrysville, PA Quadrangle N: 14.3 inches; W: 5.9 inches) in the Municipality of Murrysville, **Westmoreland County**.

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

**E05-266.** Encroachment. **Department of Transportation**, Engineering District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To rehabilitate an existing bridge and to construct and maintain a reinforced concrete box culvert having a span of 24 feet and a rise of 9.0 feet in Weimer Run and to place fill in 0.59 acre of wetlands as part of a 1,400 foot long realignment of SR 0026 located on SR 0026, Section 006, Segment 0300, Offset 0000 (Clearville, PA Quadrangle N: 3.85 inches; W: 2.3 inches) in Monroe Township, **Bedford County**.

**E07-291.** Encroachment. **Forever of Pennsylvania, Inc.**, WFGY Radio Station, Carol Mills, P. O. Box 2005, Altoona, PA 16603. To place fill in 0.18 acre of wetlands in conjunction with the construction of a 9,288.4 square foot building to house the office staff at Forever of Pennsylvania, Incorporated located about 600 feet west of Logan Boulevard (SR 0220) 1.6 miles south of its intersection with Route 36 (Hollidaysburg, PA Quadrangle N: 3.25 inches; W: 14.5 inches) in Allegheny Township, **Blair County**.

**E34-089.** Encroachment. **Twin Boroughs Sanitary Authority**, Barbara Geedey, P. O. Box 118, Mifflin, PA 17058. To expand an existing waste water treatment plant along the channel of the Juniata River at a point approximately 2,200 feet downstream of Route 35 (Mifflintown, PA Quadrangle N: 11.4 inches; W: 4.0 inches) in Milford Township, **Juniata County**.

**E67-624.** Encroachment. **Eastern Design & Development**, Shah Mathias, P. O. Box 163, Red Lion, PA 17356. To place fill in .23 acre of jurisdictional wetlands for the purpose of constructing 103 townhouse units in Phase II of the Greens at Westgate subdivision located along Westgate Drive approximately 1.5 miles northwest of York (West York, PA Quadrangle N: 19.4 inches; W: 2.75 inches) in West Manchester Township, **York County**. The permittee is required to provide a minimum of .23 acre of replacement wetlands.

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

**E45-350.** Encroachment. **Skytop Lodges, Inc.**, One Skytop Drive, Skytop, PA 18357. To construct and maintain a 15-inch PVC water intake structure and a 15-inch C.P.P. outfall pipe and associated riprap apron in Skytop lower lake for the purpose of constructing an irrigating pumping station for Skytop Golf Course. The project is located 1 mile south of the intersection of S. R. 0390, and Township Road T587 (Skytop, PA Quadrangle N: 17.9 inches; W: 15.3 inches) in Barrett Township, **Monroe County** (Philadelphia District Army Corps of Engineers).

**E45-351.** Encroachment. **Michael Katz**, 603 Ann Street, Stroudsburg, PA 18360. To construct and maintain an 18-inch C.M.P. outfall structure along the eastern stream bank of McMichael Creek (HQ-CWF). The project is located approximately 700 feet south of S. R. 0080-interchange 49 (Stroudsburg, PA Quadrangle N: 18.8 inches; W: 11.1 inches) in Stroudsburg Borough, **Monroe County** (Philadelphia District Army Corps of Engineers).

**E64-189.** Encroachment. **Ferderick Peruzzi**, 165 Lincoln Highway, Fairless Hills, PA 19030. To maintain fill which was placed in 1.06 acres of PSS wetlands, within the drainage basin of the West Branch Lackawaxen River (HQ-CWF), for the purpose of constructing a non-jurisdictional dam. The project is located along T-567,

approximately 1 mile southeast of the intersection of S. R. 0670 and S. R. 0370 (Orson, PA Quadrangle N: 9.1 inches; W: 7.8 inches), in Preston Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

**E66-118.** Encroachment. **David Owens**, R. R. 1, Box 1021, Nicholson, PA 18446. To remove the existing structure and to construct and maintain a private bridge having a single span of 15 feet and underclearance of approximately 4.5 feet across Utley Creek (CWF) and an 8-foot diameter C.M.P. in an auxiliary channel of Utley Creek to provide access to a residential building site. The project is located on the east side of S. R. 1027, approximately 0.3 mile upstream from Township Road T552 (Lenoxville, PA Quadrangle N: 2.9 inches; W: 16.3 inches) in Nicholson Township, **Wyoming County** (Baltimore District Army Corps of Engineers).

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

**E04-254.** Encroachment. **Mary Ann Jones**, 508 Harmony Road, New Brighton, PA 15066. To operate and maintain a single span bridge having a span of 32 feet and underclearance of 8 feet across Blockhouse Run (WWF). The bridge is located on the south side of Harmony Road approximately 1,000 feet east of its intersection with Blockhouse Road (Beaver, PA Quadrangle N: 20.8 inches; W: 5.2 inches) in Daugherty Township, **Beaver County**.

**E65-693.** Encroachment. **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014-1597. To operate and maintain an existing 60-inch outfall pipe and to construct and maintain an 80-foot long  $\times$  10-foot wide concrete outfall channel below the outfall pipe along the left side of the Kiskiminetas River (WWF) for the purpose of improving the water discharge flow. The project is located on the Allegheny Ludlum property (Leechburg, PA Quadrangle N: 3.25 inches; W: 15.8 inches) in West Leechburg Borough, **Westmoreland County**.

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

**E19-175.** Encroachment. **Pa. Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain a single span, reinforced concrete box culvert bridge depressed 1 foot in the streambed with concrete U-sections and cutoff walls with a normal span of 20 feet and a minimum underclearance of 7 feet over Stony Brook on SR 1007 approximately 2 miles north of the intersection of SR 1007 with SR 487 (Bloomsburg, PA Quadrangle N: 9.9 inches; W: 6.9 inches) in Orange Township, **Columbia County**. Estimated stream disturbance is 105 feet of waterway with no wetland impact; stream classification is Cold Water Fishery.

**E19-174.** Encroachment. **Drue S. Heckman**, R. R. 4, Box 4875, Berwick, PA 18603. To repair, operate and maintain a single span bridge across Glen Brook to provide access to a private, single residence. The repair work shall consist of removing the existing steel beams and deck and constructing a new superstructure with steel I-beams and wooden decking. The project is located along the western right-of-way of SR 1025 approximately 500 feet south of the intersection of SR 1014 and SR 1025

(Berwick, PA Quadrangle N: 14.0 inches; W: 15.4 inches) in Briar Creek Township, **Columbia County**. There will be no impact to the waterway or wetlands; stream classification is Cold Water Fishery.

**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.

Any person aggrieved by this action may appeal under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does

not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

*Permits Issued*

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

**NPDES Permit No. PAS806106.** Industrial waste, **Ashland Brand Marketing, Inc.**, P. O. Box 391, 2000 Ashland Drive, Ashland, KY 41114 is authorized to discharge from a facility located at Ashland Greensburg Bulk Plant #762, 1810 Broad Street Extension, South Greensburg Borough, **Westmoreland County** to Slate Creek.

**NPDES Permit No. PA0002054, Amendment No. 2.** Industrial waste, **Pennsylvania Electric Company**, 1001 Broad Street, Johnstown, PA 15907 is authorized from a facility located at Steward Generating Station, East Wheatfield Township, **Indiana County**.

**NPDES Permit No. PA0002305, Amendment No. 1.** Industrial waste, **Robertshaw Controls Company**, New Stanton Division, One Robertshaw Drive, New Stanton, PA 15672 is authorized to discharge from a facility located at New Stanton Borough, **Westmoreland County**.

**NPDES Permit No. PA0003255, Amendment No. 1.** Industrial waste, **Latrobe Steel Company**, 2626 South Ligonier Street, Latrobe, PA 15650-0031 is authorized from a facility located at Latrobe Borough, **Westmoreland County**.

**NPDES Permit No. PA0093866.** Industrial waste, **Southern Alleghenies Disposal Site, Inc.**, R. D. 3, Box 310, Holsopple, PA 15935 is authorized to discharge from a facility located at Southern Alleghenies Landfill, Conemaugh Township, **Somerset County** to Stony Creek (Outfalls 001, 002, and 004) and Unnamed Tributary 45265 (Outfalls 003 and 005).

**NPDES Permit No. PA0093866.** Industrial waste, **Southern Alleghenies Disposal Site, Inc.**, R. D. 3, Box 310, Holsopple, PA 15935.

This notice reflects changes from the notice published in the October 25, 1997 *Pennsylvania Bulletin*.

*Outfall 001*

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sup>5</sup> change to CBOD <sup>5</sup>						
Butyl Phthalate change to Butyl Benzyl Phthalate						
Benzidine (mg/l)			0.0006		0.0012	

**NPDES Permit No. PA0205214.** Industrial waste, **Joseph J. Brunner, Inc.**, R. D. 1, Zeliennople, PA 16063 is authorized to discharge from a facility located at Joseph J. Brunner, Inc. Municipal Waste Landfill, New Sewickley Township, **Beaver County** to Brush Creek (Outfall 001) and an Unnamed Tributary to Brush Creek (Outfalls 002, 003, 004 and 005).

**NPDES Permit No. PA0024864, Amendment No. 1.** Sewage, **Ligonier Borough**, Town Hall, 120 East Main Street, Ligonier, PA 15658 is authorized to discharge from a facility located at Ligonier Borough Sewage

Treatment Plant, Ligonier Borough, **Westmoreland County**.

**NPDES Permit No. PA0042587.** Sewage, **MLM Enterprises**, 12 North Jefferson Avenue, Canonsburg, PA 15317 is authorized to discharge from a facility located at MLM Enterprises Sewage Treatment Plant, North Strabane Township, **Washington County** to unnamed tributary of Little Chartiers Creek.

**NPDES Permit No. PA0092533.** Sewage, **Indiana County Municipal Services Authority**, P. O. Box 351, 827 Water Street, Indiana, PA 15761 is authorized to

discharge from a facility located at Iselin Sewage Treatment Plant, Young Township, **Indiana County** to Harpers Run.

**NPDES Permit No. PA0111520.** Sewage, **The Picking Corporation**, 100 Longview Lane, Johnstown, PA 15905 is authorized to discharge from a facility located at Miller-Picking Sewage Treatment Plant, Conemaugh Township, **Somerset County** to Unnamed tributary of Soap Hollow.

**NPDES Permit No. PA0205915.** Sewage, **Borough of Dayton**, P. O. Box 396, Dayton, PA 16222 is authorized to discharge from a facility located at Dayton Borough Sewage Treatment Plant, Dayton Borough, **Armstrong County** to Glade Run.

**NPDES Permit No. PA0217794.** Sewage, **Lou DeMary**, R. D. 2, Box 45K, Latrobe, PA 15650 is authorized to discharge from a facility located at DeMary Small Flow STP, Derry Township, **Westmoreland County** to Drainage Swale to Union Run via PennDOT Culvert.

**NPDES Permit No. PA0217808.** Sewage, **David Harchuck**, 122 Kerr Road, New Kensington, PA 15068 is authorized to discharge from a facility located at Harchuck Office Building, Washington Township, **Westmoreland County** to Tributary of Beaver Run.

**NPDES Permit No. PA0021822.** Sewage, **Borough of Berlin**, 700 North Street, P. O. Box 115, Berlin, PA 15530-0115 is authorized to discharge from a facility located at Berlin Borough Sewage Treatment Plant, Borough of Berlin, **Somerset County** to Buffalo Creek.

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

**NPDES Permit No. PA0036064.** Sewage, **Washington Township Sewer Authority**, 11800 Edinboro Road, Edinboro, PA 16412 is authorized to discharge from a facility located in Washington Township, **Erie County** to Whipple Creek.

**NPDES Permit No. PA0222453.** Sewage, **Scenic Heights Golf Course**, 7616 Knoyle Road, Erie, PA 16510 is authorized to discharge from a facility located in Venango Township, **Erie County** to an unnamed tributary to Six Mile Creek.

**NPDES Permit No. PA0001945.** Industrial waste, **Medusa Cement Company**, 2001 Portland Park, Wampum, PA 16157 is authorized to discharge from a facility located in Wampum Borough, **Lawrence County** to Driver's Run and an unnamed tributary to Beaver Run.

**NPDES Permit No. PA0033049.** Sewage, **PADOT Rest Area #25 Eastbound**, P. O. Box 3161, Harrisburg, PA 17105-3161 is authorized to discharge from a facility located in Pine Creek Township, **Jefferson County** to Five Mile Run.

**NPDES Permit No. PA0033073.** Sewage, **PennDOT Rest Area #26 Westbound**, P. O. Box 3161, Harrisburg, PA 17105-3161 is authorized to discharge from a facility located in Washington Township, **Jefferson County** to Five Mile Run.

**NPDES Permit No. PA0105279.** Industrial waste, **Danco Industries, Inc.**, P. O. Box 941, Oil City, PA 16301 is authorized to discharge from a treatment facility located in Sugar creek Borough, **Venango County**, to the Allegheny River.

**NPDES Permit No. PA0222488.** Sewage, **Edward Howard**, 120 Winfield Rd., Sarver, PA 16055 is authorized to discharge from a facility located in Jefferson Township, **Butler County** to Sarver Run.

**WQM Permit No. 4398401.** Sewerage, **Alice R. Williams, SRSTP**, 99 S. Myers Ave., Sharon, PA 16146. Construction of Alice R. Williams SRSTP located in South Pymatuning Township, **Mercer County**.

**WQM Permit No. 4398407.** Sewerage, **Mrs. Ronald K. Callahan, SRSTP**, 565 Mercer Rd., Greenville, PA 16125. Construction of Mrs. Ronald K. Callahan SRSTP located in Hempfield Township, **Mercer County**.

**WQM Permit No. 4398408.** Sewerage, **Frank Giordano, c/o Rod McClelland**, 101 Beaver St., Mercer, PA 16137. Construction of Frank Giordano SRSTP located in Lake Township, **Mercer County**.

**WQM Permit No. 6298402.** Sewerage, **David W. and Marcia J. Johnson**, R. R. 2, Box 2106, Russell, PA 16345. Construction of David W. and Marcia J. Johnson SRSTP located in Pine Grove Township, **Warren County**.

**WQM Permit No. 1098402.** Sewerage, **Edward Howard**, 120 Winfield Rd., Sarver, PA 16055. Construction of Edward Howard SRSTP located in Jefferson Township, **Butler County**.

**WQM Permit No. 4398405.** Sewerage, **David McCoy**, 247 Nicklin Rd., Grove City, PA 16127. Construction of David McCoy SRSTP located in Findley Township, **Mercer County**.

**WQM Permit No. 2098402.** Sewage, **Cambridge Township**, 22530 Electric Drive, Cambridge Springs, PA 16403. This project is for the construction and operation of a sanitary wastewater pump station in Cambridge Township, **Crawford County**.

*Northcentral Regional Office, Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0032824.** Sewerage, **Pennsylvania Department of Transportation, Site 38**, Gary A. Yacisin, Bureau of Design HQAD, P. O. Box 3161, Harrisburg, PA 17105-3161. Applicant granted an NPDES permit to discharge treated sewage from a facility located at Mifflin Township, **Columbia County**.

**NPDES Permit No. PA0115207.** Sewerage, **Orangeville Borough**, P. O. Box 176, 301 Mill Street, Orangeville, PA 17859. Applicant granted an NPDES permit to discharge treated sewage from facility located at Orangeville Township, **Columbia County**.

**NPDES Permit No. PA0114081.** Sewerage, **Clear Run Inc., Woods Edge Estates**, R. R. 5, Box 551, Bloomsburg, PA 17815. Applicant granted an NPDES permit to discharge treated sewage from a facility located at Orange Township, **Columbia County**.

**NPDES Permit No. PA0024104.** Sewerage Transfer, **Spring Township Municipal Authority**, P. O. Box 132, Beaver Springs, PA 17812. Transfer was granted to above applicant. Facility located at Spring Township, **Snyder County**.

**NPDES Permit No. PA0113727.** Sewerage, **Larry Reed**, Country Place MHP, R. D. 2, Box 71, DuBois, PA 16801. Renewal granted to discharge treated wastewater to Muddy Run. Facility located at Sandy Township, **Clearfield County**.

**WQM Permit No. 5998403.** Sewerage, **Roland J. Robert**, R. R. 2, Box 66A, Tioga, PA 16946. Applicant

granted permission to construct and maintain a single residence sewage treatment system. Facility located at Tioga Township, **Tioga County**.

**WQM Permit 1798403.** Sewerage. **William and Sandra Harchak**, 712 Stone Street, Osceola Mills, PA 16666. Granted permit to discharge from single residence facility, located at Gulich Township, **Clearfield County**.

**WQM Permit 0898401.** Sewerage. **LeRaysville Borough**, P. O. Box 42, LeRaysville, PA 18829-0042. Granted permit to discharge from treatment facility located at LeRaysville Borough, **Bradford County**.

**WQM Permit 4998401.** Sewerage. **Shamokin Coal Township Joint Sewer Authority**, R. D. 2, Box 35, Shamokin, PA 17872. Granted permit to construct and maintain a new force main and segregated sanitary sewer interceptor to serve the proposed increase in flow to the Brady Pump Station. Facility located at Ralpho Township, **Northumberland County**.

**WQM Permit 5586403T1-5584402T1-663S60-T1.** Sewerage Transfer. **Spring Township Municipal Authority**, P. O. Box 132, Beaver Springs, PA 17812.

Transfer in name only to above permits were granted. Facility located at Spring Township, **Snyder County**.

**NPDES Permit PA0114839.** Industrial waste. **West Decatur Authority**, P. O. Box 98, West Decatur, PA 16878. Applicant granted permission to renew their NPDES Industrial Waste permit to discharge treated wastewater from facility located at Boggs Township, **Clearfield County**.

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

**Permit No. 5698402.** Sewerage, **Roger Young**, 140 Oak Street, Somerset, PA 15501. Construction of a Single Residence Sewage Treatment Plant located in the Township of Somerset County, **Somerset County** to serve the Roger Young residence.

**Permit No. 6397408.** Sewerage, **David Harchuck**, 122 Kerr Road, New Kensington, PA 15068. Construction of a Small Flow Sewage Treatment Plant located in the Township of Washington, **Westmoreland County** to serve the Harchuck Office Building.

**INDIVIDUAL PERMITS  
(PAS)**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U087	Milford Land Co., LLP 2300 Wagonwheel Drive Easton, PA 18040	Northampton Co. Forks Twp.	Bushkill Creek

*General Permit Type 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>
Clearfield County Bradford Twp.	PAR804842	Con-Way Central Trans. Serv. Inc. 3240 Hillview Ave. Palo Alto, CA 94304	Valley Fork Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10F069	John H. Mitchell, Jr. P. O. Box 148 Lemont, PA 16851	College Twp. Centre Co.	Spring Creek

**APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

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



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

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

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

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
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 8*

<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>
Montgomery Co. Township of Abington	PAG080002	Township of Abington 1176 Old York Road Abington, PA 19001	None	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Montgomery Co. Towamencin Twp.	PAG080008	Upper Gwynedd Towamencin Municipal Authority 225 Kriebel Rd. Lansdale, PA 19464	None	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
West Bradford Twp. Chester Co.	PAR10-G262	Realen Homes 725 Talamore Dr. Ambler, PA	Saw Mill Run	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Bradford Twp. Chester Co.	PAR10-G263	William E. Freas and James Kammerer 211 Carter Drive West Chester, PA	Plum Run	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Kennett Township Chester Co.	PAR10-G265	Hunt Construction 108 Pine Tree Road Paoli, PA	East Branch Red Clay Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Franconia Twp. Montgomery Co.	PAR10-T388-R	Souderton Mennonite Homes 207 Summitt St. Souderton, PA	Unnamed Tributary to Skippack Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Worcester Twp. Montgomery Co.	PAR10-T412	Realen Homes 725 Talamore Dr. Ambler, PA	Tributary to Stony Crk.	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<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>
Lower Providence Twp. Montgomery Co.	PAR10-T393	Valley Forge Equities P. O. Box 940 Valley Forge, PA	Unnamed Tributary to Schuylkill River	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Gwynedd Twp. Montgomery Co.	PAR10-T384	The Cutler Group, Inc. P. O. Box 629 Horsham, PA	Tributary of Trewellyn Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Merion Twp. Montgomery Co.	PAR10-T413	Liberty Property Trust 65 Valley Stream Parkway Malvern, PA	Matsunk Crk.	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Hatfield Twp. Montgomery Co.	PAR10-T436	Select Properties, Inc. 2312 North Broad St. Colmar, PA	Unnamed Tributary to Unionville Tributary	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Skippack Twp. Montgomery Co.	PAR10-T408	Gambone Bros. Development Co. 1030 West Germantown Pike Fairview Village, PA 19409	Unnamed Tributary to Skippack Crk.	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

*General Permit Type—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>
Columbia Co. N. Centre Twp.	PAG044996	Cleon and Marcia Dodge R. R. 2, Box 2935 Berwick, PA 18603	West Branch Briar Crk.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield Co. Sandy Twp.	PAG045002	George T. Walls R. D. 1, Box 336 DuBois, PA 15801	UNT to Soldier Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Hempfield Twp. Mercer Co.	PAG048489	Mrs. Ronald K. Callahan 565 Mercer Rd. Greenville, PA 16125	Tributary Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Twp. Warren Co.	PAG048492	David W. and Marcia J. Johnson R. R. 2, Box 2106 Russell, PA 16345	Tributary of Johnny Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Lake Twp. Mercer Co.	PAG048490	Frank Giordano c/o Rod McClelland 101 Beaver St. Mercer, PA 16137	Tributary Fox Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
S. Pymatuning Twp. Mercer Co.	PAG048477	Alice R. Williams 99 S. Myers Ave. Sharon, PA 16146	Tributary Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

<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>
Findley Twp. Mercer Co.	PAG048481	David McCoy 247 Nicklin Rd. Grove City, PA 16127	Tributary Mill Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG 2</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Erie Co. Harborcreek Twp.	PAR10K102	Tim Shafer 4917 Buffalo Rd. Erie, PA 16510	Unnamed Tributary to Sixmile Crk.	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Venango Co. Cranberry and Rockland Twp.	PAR107010	James Holden Allegheny Valley Trails Assoc. (AVTA) 1174 Elk St. Franklin, PA 16323	East Sandy Crk.	Venango Conservation District R. D. 2, Box 108 Franklin, PA 16323 (814) 676-2832
Penn Township Perry Co.	PAR-10-5122	Otterbein United Methodist Church 301 North High St. Duncannon, PA 17020	UNT Little Juniata Crk.	Perry County CD P. O. Box 36 36 W. Main St. New Bloomfield, PA 17068 (717) 582-8988
Jackson Twp. York Co.	PAR-10-Y314	York County Production Corp. 160 Roosevelt Ave., Suite 300 York, PA 17404	Little Conewago	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Codorus Twp. York Co.	PAR-10-Y310	Baily Farms R. D. 2, Box 2636 Spring Grove, PA 17362	Codorus Crk.	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Twp. York Co.	PAR-10-Y306	Davis Hospitality Inc. 3883 East Market St. York, PA 17402	Kreutz Crk.	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
South Woodbury Twp. Bedford Co.	PAG-09-3512	Clarence E. Reasy R. D. 1, Box 25 New Enterprise, PA 16664		DEP SCRO 1 Ararat Blvd. Harrisburg, PA 17110 (717) 657-4590

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

**PAS-10-C026.** Individual NPDES. **Kutztown Mobile Home Park**, 15110 Kutztown Road, Kutztown, PA 19530. To Implement an Erosion and Sedimentation Control Plan for a mobile home park on 16.5 acres in Maxatawny Township, **Berks County**. The project is located south of Main Street and immediately east of the Kutztown Airport (Kutztown, PA Quadrangle N: 0.9 inch; W: 4.8 inches). Drainage will be to Moslem Creek.

### 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. 0997516.** Public water supply. **Phoebe Housing, Inc.**, 1831 Linden Street, Allentown, PA 18104. A permit has been issued to Phoebe Housing, Inc. for the construction of a well, a pumping station, a water storage tank, along with a distribution system to serve the New Hope Manor Development in New Hope Borough, **Bucks County**. *Type of Facility:* Public Water Supply System. *Consulting Engineer:* Boucher and James, Inc., 127 South Fifth Street, Quakertown, PA 18951. *Permit to Construct Issued:* April 6, 1998.

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

*Permits Issued*

**1097505.** Public water supply. **Chicora Borough Water Company**, Box J, Chicora, PA 16025. Permit issued for the drilling of a new well (No. 6) as a backup well to the existing water system in Chicora Borough, **Butler**

**County.** *Type of Facility:* Public Water Supply. *Consulting Engineer:* William J. McGarvey, P. E., McGarvey Engineering, 172 Woodcrest Road, Butler, PA 16002. *Permit to Construct Issued:* April 13, 1998.

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

**Permit No. 6797501.** Public water supply. **The York Water Company**, Springfield Township, **York County.** *Responsible Official:* Jeff Hines, 130 E. Market Street, P. O. Box 15089, York, PA 17405, *Type of Facility:* Hametown Pump Station used to deliver water to southern region of the York Water Company Distribution System.

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

**Permit No. 6198501.** Public water supply. **Rouseville Municipal Waterworks**, 8 Main Street, Rouseville, PA 16344 has been issued a Public Water Supply Permit for the installation of Well No. 5 and 2 inch PVC transmission line to connect to the existing 8 inch ductile iron pipe in Cornplanter Township, **Venango County.** *Type of Facility:* Community Water Supply. *Consulting Engineer:* David A. Johnson, D. A. Johnson and Associates, P. O. Box 11, Corry, PA 16407. *Permit to Construct Issued:* April 16, 1998.

## HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

**Final Remedial Response under the Hazardous Sites Cleanup Act**

**Industrial Solvents and Chemical Company**

**Newberry Township, York County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is considering initiating a final remedial action for the Industrial Solvents & Chemical Company (ISCC) site. Under the Department's proposed action an existing waterline will be extended to additional supplies potentially impacted by the groundwater contamination originating from the ISCC site, an asphalt cap will be placed over contaminated soils remaining on the site, and in-stream treatment will be provided for impacted surface waters.

The ISCC site is a 9-acre parcel of land in Newberry Township, York County, adjacent to Interstate 83. The surrounding area is primarily rural, although residential, commercial and industrial developments are located within a close vicinity of the site. A number of private water supply wells have been contaminated by hazardous substances migrating from the ISCC site.

ISCC was involved in the reprocessing of used solvents. Because of violations of hazardous waste requirements, the Department on July 6, 1989, terminated ISCC's authority to operate a hazardous waste treatment and storage facility. The site was abandoned in 1990 when ISCC declared bankruptcy. A total of 996 parties potentially responsible for the hazardous substances located at the ISCC site were identified by the Department.

Because of the threat to human health and the environment posed by the ISCC site, the site was placed on the Pennsylvania Priority List for Remedial Response on October 26, 1991. The Department and a group of approximately 136 cooperating potentially responsible

parties have conducted a number of interim actions at the site to address the release or threat of release of hazardous substances.

The Department considered three alternatives: (1) continuing with the monitoring program already in place; (2) extending public water service to supplies potentially impacted above health-based risk levels, and (3) extending the public water service, providing an asphalt cap for the site, and providing in-stream treatment for surface water. Pumping and treating the groundwater was ruled out because it would not be practical or cost-effective. The Department prefers the third alternative because it is protective of human health and the environment, complies with regulations and is cost effective.

This notice is provided under section 506(b) of HSCA (35 P. S. § 6020.506(b)), and publication of this notice starts the administrative record period under HSCA. The administrative record which contains information about this site and which supports the Department's decision to perform this action is available for public review and comment. The administrative record can be examined from 8 a.m. to 4 p.m. at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 705-4864.

The administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before July 31, 1998 by mailing them to Barbara Faletti at the above address.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for June 11, 1998 at 7 p.m. at the Newberry Township Administration Building, 1915 Old Trail Road, Etters, PA. Persons wishing to present formal oral comments at that hearing should register by 4 p.m. June 9, 1998 by calling Mary Ann Fischer at (717) 705-4703.

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 Mary Ann Fischer at the above number or through the Pennsylvania Relay Service at (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 nonresiden-

tial exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final 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 #63450N45417**, Salem Township, **Wayne 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.

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

**One & Olney Square Shopping Center**, City of Philadelphia, **County of Philadelphia**. Michael Gonshor, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet site-specific and Statewide health standards.

*Southcentral Regional Office, Environmental Cleanup 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 Final Report concerning remediation of site soils and groundwater contaminated with PCBs, lead, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit ID No. 101575. Richards Sanitation, Inc.**, Richards Transfer Station, R. D. 1, Box 346, Marion Center, PA 15759. Operation of a municipal waste trans-

fer station in Cherryhill Township, **Indiana County**. Permit voided in accordance with 25 Pa. Code § 271.211(e) in the Regional Office on April 13, 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 or operate air contamination sources and associated air cleaning devices.**

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2531.*

**58-301-005A: Barnes Kasson Hospital** (400 Turnpike Street, Susquehanna, PA 18847) for the modification of operating parameters of a hospital incinerator in Susquehanna Borough, **Susquehanna 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.**

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2531.*

**13-302-023GP: Gnaden Huetten Memorial Hospital** (211 North 12th Street, Lehigh, PA 18235) for the construction of a boiler in Lehigh Borough, **Carbon County**.

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

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

**PA-37-297A: Farmers Dairy Foods, Inc.** (8257 Dow Circle, Strongsville, OH 44136) issued November 30, 1997, for a waste water treatment plant in Wilmington, **Lawrence County**.

#### **PLAN APPROVALS**

**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.*

**36-309-055B: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) issued March 17, 1998, to authorize temporary operation of the Lime Plant and Crushing Area covered by this Plan Approval until July 15, 1998, at their Weaverland Quarry in East Earl Township, **Lancaster County**. This source is subject to 40 CFR 50, Subpart 000, Standards of Performance for New Stationary Sources.

**36-313-074: Wyeth-Ayerst Laboratories** (P. O. Box 394, Marietta, PA 17547) for the issuance of an air quality plan approval extension with condition to author-

ize temporary operation of two influenza vaccine production lines located in East Donegal Township, **Lancaster County**.

**44-03004: Guardian Industries Corp.** (One Belle Avenue, Bldg. 35, Lewistown, PA 17044-2434) issued April 12, 1998, to authorize temporary operation of the mirror coating operation controlled by a regenerative thermal oxidizer covered by this Plan Approval until August 10, 1998, at their Falconer Glass Industries, Inc., in Granville Township, **Mifflin County**.

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

**Allegheny MDF, Limited Partnership** (R. D. 1, Box 226, Kane, PA 16735) issued March 30, 1998, for the following permits in Sargeant Township, **McKean County**:

42-302-025	Thermal fluid heat plant
42-399-025	Medium density fiberboard
42-399-026A	Material reject air system
42-399-027A	Two dryers, one cone sander dust burner
42-399-028A	High pressure chip system
42-399-030	Sander dust systems
42-399-031	Sawdust and fuel system

**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.**

*Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**39-303-013: Eastern Industries Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) issued April 15, 1998, for the relocation of a batch asphalt plant in North Whitehall Township, **Lehigh County**.

**39-313-040: Tarkett Inc.** (1139 Lehigh Avenue, Whitehall, PA 18052) issued April 3, 1998, for the construction of a rotogravure press in Whitehall Township, **Lehigh County**.

**40-399-029A: Harris Semiconductor Inc.** (125 Crestwood Road, Mountaintop, PA 18707) issued April 15, 1998, for the modification of the FAB 1 process in the Crestwood Industrial Park, Wright Township, **Luzerne County**.

**48-309-103: Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) issued April 2, 1998, for the construction of a railcar unloading operation in Nazareth Borough, **Northampton County**.

**54-322-002A: Pine Grove Landfill Inc.** (Rural Route 447, Pine Grove, PA 17963) issued April 3, 1998, for the modification of the landfill gas extraction system at Schultz Road, Pine Grove Township, **Schuylkill County**.

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

**36-3018: Allegheny Energy Resources, Inc.** (Suite 600, 20 Stanwix Street, Pittsburgh, PA 15222) issued April 10, 1998, for the construction of the Landfill Gas Recycling Facility controlled by a thermal oxidizer in Caernarvon Township, **Lancaster County**.

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

**PA-24-124A: PA Industrial Heat Treaters** (Access Road, St. Marys, PA 15857) issued April 6, 1998, for the construction of a continuous draw furnace in Benzinger Township, **Elk County**.

**PA-16-136A: BRM Inc., Myers Asphalt Plant** (State Route 3011, Clarion, PA 16214) issued April 15, 1998, for the operation of a batch asphalt plant in Beaver and Licking Townships, **Clarion County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to 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 Applications Issued:*

**32940102. Permit Revision. GLR Mining, Inc.** (P. O. Box 105, Clymer, PA 15728), to include a stream variance to conduct support activities within 100 feet of Leonard Run, beginning 2,200 feet upstream from Leonard Run's confluence with Yellow Creek, thence upstream a distance of 650 feet on the northern side of Leonard Run in Pine Township, **Indiana County**, affecting 150.4 acres, receiving stream Leonard Run, application received February 12, 1998. Issued April 9, 1998.

**11813005. Permit Renewal. Ratay Coal, Inc.** (R. D. 1, Box 198, Penn Run, PA 15765), commencement, operation and restoration of bituminous strip mine, valid for reclamation, only in Conemaugh Township, **Cambria County**, affecting 224.2 acres, receiving stream unnamed tributaries to/and Clapboard Run, application received April 10, 1998. Issued April 13, 1998.

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

**63920102R. Pennweir Construction Co.** (401 Pennsylvania Avenue, Weirton, WV 26062). Permit renewed for continued reclamation only of a bituminous surface/auger mine, coal refuse disposal facility located in Jefferson Township, **Washington County**, affecting 68 acres. Receiving streams: unnamed tributaries to Parmar Run and Parmar Run. Application received: February 20, 1998. Renewal issued: April 14, 1998.

**02900102. USA South Hills Landfill, Inc.** (3100 Hill Road, Library, PA 15129). Name change permit transfer issued for a bituminous surface mine located in South Park and Union Townships, **Allegheny and Washington Counties**, affecting 103.4 acres, permit formerly issued to M. C. Arnoni Company. Receiving streams: unnamed tributary to Peters Creek. Application received January 9, 1998. Transfer issued: April 15, 1998.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**32971303. Urey Coal Co.**, (222 Forest Ridge Rd., Indiana, PA 15701), to operate the Penn View Mine in West Whetfield Township, **Indiana County**, permit application for a new bituminous underground mine, unnamed tributary to Blacklick Creek. Permit issued April 16, 1998.

**32971301. Britt Energies, Inc.** (P. O. Box 515, Indiana, PA 15701), to operate the Josephine No. 3 in Center Township, **Indiana County**, new bituminous deep mine, unnamed tributary to Laurel Run. Permit issued April 16, 1998.

**30871301. Genesis, Inc. dba Meadow Run Genesis, Inc.** (P. O. Box 317, Stoystown, PA 15563-0317), to renew and revise the permit for the Meadow Run Mine in Dunkard Township, **Greene County**, renewal and revision to add 600 underground acres and revise subsidence control, Dunkard Creek. Permit issued April 10, 1998.

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

**54981301. Par L Coal Company**, (R. R. 1, Box 56A, Hegins, PA 17938), commencement, operation and restoration of an anthracite underground mine operation in Frailey Township, **Schuylkill County** affecting 2.1 acres, receiving stream Coal Run. Permit issued April 16, 1998.

**54830103R3. K & K Coal Company**, (133 Valley Furnace Avenue, Port Carbon, PA 17965), renewal of an existing surface mine operation in Blythe Township, **Schuylkill County** affecting 160.0 acres, receiving stream unnamed tributary to Schuylkill River. Renewal issued April 17, 1998.

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

#### *Noncoal Permits Issued*

**7474SM1A1C2. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0119253 in Lower Nazareth Township, **Northampton County**, receiving stream unnamed tributary to Schoeneck Creek. Renewal issued April 14, 1998.

**13760301C2. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0124214 in Lower Towamensing Township, **Carbon County**, receiving stream unnamed tributary to Aquashicola Creek. Renewal issued April 14, 1998.

**7774SM1A1C4. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0044555 in Oley Township, **Berks County**, receiving stream unnamed tributary to Limekiln Creek. Renewal issued April 14, 1998.

**39880301A1C3. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0594199 in North Whitehall Township, **Lehigh County**, receiving stream Coplay Creek. Renewal issued April 14, 1998.

**5273SM1T. Pyramid Land Development, Inc.** (414 West Knowlton Road, Media, PA 19063), transfer of an existing quarry operation in Aston Township, **Delaware County** affecting 28.0 acres, receiving stream Chester Creek. Transfer issued April 15, 1998.

#### **ABANDONED MINE RECLAMATION**

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

**BF 419-101.1.** Beccaria Township, **Clearfield County**. Abandoned Mine Land Reclamation Project, Greenbriar Associated. *Contractor: Earthmovers Unlimited, Inc. Amount: \$86,886.80. Date of Award: March 31, 1998.*

**BF 395-101.1.** East Franklin and North Buffalo Townships, **Armstrong County**. Abandoned mine land reclamation project. *Contractor: Earthmovers Unlimited, Inc. Amount: \$228,987.85. Date of Award: February 12, 1998.*

**BF 320-101.1.** South Beaver Township, **Beaver County**. Abandoned mine land reclamation project, Sunnyside Coal Mining Co. *Contractor: Maud Mining Company. Amount: \$675,840. Date of Award: November 24, 1997.*

**BF 404-101.1.** Derry Township, **Westmoreland County**. Abandoned mine land reclamation project, R & K Coal Co. *Contractor: T. J. Mining, Inc. Amount: \$283,800. Date of Award: March 18, 1998.*

**BF 397-101.1.** Portage Township, **Cambria County**. Abandoned mine land reclamation project, G.M.K. Company. *Contractor: Commonwealth Stone, A Business Trust. Amount: \$96,830.50. Date of Award: March 27, 1998.*

**BF 403-101.1.** Menallen Township, **Fayette County**. Abandoned mine land reclamation project. *Contractor: Wayne K. Baker. Amount: \$61,290. Date of Award: February 3, 1998.*

### **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

#### **ENCROACHMENTS**

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

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, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**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).

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

**E18-242.** Encroachment. **Pa. DCNR**, P. O. Box 8451, Harrisburg, PA 17105-0320. To remove an existing structure and to construct, operate and maintain a single cell reinforced concrete box culvert to carry Cooks Run Road across Rock Run. The box culvert shall be constructed with a clear span of 20.2 feet, minimum underclearance of 5.0 feet and a curb to curb width 20.1 feet. The project is located along the northern right-of-way of SR 0120 approximately 5.6 miles north of the intersection of Cooks Run Road and SR 0120 (Keating, PA Quadrangle N: 11.2 inches; W: 10.0 inches) in East Keating Township, **Clinton County**.

**E41-415.** Encroachment. **Lewis Township Supervisors**, P. O. Box 118, Trout Run, PA 17771. To modify and maintain a stone storage area in a floodway of Lycoming Creek located next to Mill Street just downstream of the confluence of Trout Run with Lycoming Creek (Trout Run, PA Quadrangle N: 1.4 inches; W: 7.5 inches) in Lewis Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

**E41-420.** Encroachment. **Balls Mills Soccer Club, LTD.**, 1211 Walnut St., Williamsport, PA 17701. To regrade approximately 18 acres for the construct and maintain of a recreational soccer complex including parking lots and four soccer fields in the floodway of the West Branch of the Susquehanna River located on Sylvan Dell Road approximately 0.9 mile east of the western township boundary (Montoursville South, PA Quadrangle N: 20.8 inches; W: 12.7 inches) in Armstrong Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-301.** Encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105. To place three existing culverts within the Right Branch of Big Nelson Run and to remove flood debris at two sites between the culvert location. The replacement culvert sizes are 1) Site 1-48 inch diameter × 40 foot long CMP; 2) Site 2-87 inch × 63 inch corrugated steel arch culvert × 38 foot long; 3) Site 3-72 inch CMP × 38 foot long. The project's first culvert is located along Big Nelson Run Road (T-300) approximately 2 miles from Route 872. The second and third culverts are approximately 0.5 and 2.5 miles upstream from culvert number one (Conrad, PA Quadrangle N: 15.8 inches; W: 15.4 inches) in Sylvania Township, **Potter County**.

**E60-110.** Encroachment. **Buffalo Township Municipal, Sewer Authority**, P. O. Box 85, Vicksburg, PA 17883. To construct and maintain a waste water pumping station in the 100-year floodplain and along the left bank of Buffalo Creek on the west side of SR 1001 adjacent to the bridge over Buffalo Creek located approximately 1,300

feet northwest of the intersection of SR 1001 and T-377 (Lewisburg, PA Quadrangle N: 18.5 inches; W: 14.42 inches) in Buffalo Township, **Union County**. This may not have been published as an action from Central Office. Permit issued September 21, 1993. This permit was issued under section 105.13(e) "Small Projects."

**E14-317.** Encroachment. **Pa. Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove the existing structure and to construct and maintain a precast, post tensioned, single cell box culvert depressed 1 foot below the streambed with a clear span of approximately 20 feet on a left skew of 45 degrees and a underclearance of 5 feet. The project is located on PA 504 over Black Bear Run approximately 18 miles west of the intersection of routes PA 504 and US 220 (Philipsburg, PA Quadrangle N: 4.7 inches; W: 3.95 inches) in Rush Township, **Centre County**. Estimated stream disturbance is approximately 70 feet with no wetland impacts; stream classification is Exceptional Value. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-416.** Encroachment. **Loyalsock Township Supervisors**, 2501 E. Third St., Williamsport, PA 17701. To construct and maintain a 48 inch diameter by 1,200 feet long polyethylene pipe enclosure with metallic coated steel end section and trash rack in Liberty Run located along T-575 approximately 2,000 feet north of the intersection of Lycoming Creek Road (Old Route 15) with T-575 (Cogan Station, PA Quadrangle N: 4.0 inches; W: 6.2 inches) in Loyalsock Township, **Lycoming County**.

**E41-417.** Encroachment. **Washington Township Supervisors**, R. R. 1, Allenwood, PA 17810. To remove the existing bridge and to construct and maintain a 48-inch diameter and 60-inch diameter corrugated metal pipe with a 75° skew with the associated R-7 riprap bank in an unnamed tributary of Spring Creek located 500 feet north on a private drive from SR 2001 (Montoursville South, PA Quadrangle N: 8.02 inches; W: 14.39 inches) in Washington Township, **Lycoming County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E49-210.** Encroachment. **Bassett Campground**, R. R. 1, Box 300, Sunbury, PA 17801. To maintain: 21 open pole pavilions and a shed in the left floodway of the Susquehanna River, plus 22 nonstreet legal trailers/campers, 3 storage sheds and 2 open pavilions in the left floodway of Gravel Run located at the confluence of the Susquehanna River and Gravel Run (Riverside, PA Quadrangle N: 8.0 inches; W: 13.0 inches) in Upper Augusta Township, **Northumberland County**. This permit was issued under section 105.13(e) "Small Projects."

**E49-215.** Encroachment. **F B Leopold Co., Inc.**, 227 S. Division St., Zelienople, PA 16063-1313. To repair and maintain a railroad bridge with a span of 10.6 feet and underclearance of 2.4 feet across Spring Run located just downstream of Matthews St. and 700 feet north of Eight St. (Milton, PA Quadrangle N: 16.5 inches; W: 16.0 inches) in the Borough of Watsonstown, **Northumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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



**E51-163.** Encroachment Permit. **Fairmount Park Commission**, Memorial Hall, Philadelphia, PA 19131. To improve Pennypack Park facilities by performing the following activities: 1) To construct softball and soccer fields by placing fill in the 100 year floodplain of the Delaware River (WWF/MF) and create 0.64 acre of replacement wetlands (PEM). 2) To maintain a 15-inch stormwater outfall structure and headwall along the existing bulkhead of the Delaware River. These activities are located in Pennypack Park situated 2,000 feet southwest from the confluence of Pennypack Creek and the Delaware River (Frankford, PA Quadrangle N: 5.0 inches; W: 1.7 inches) in the City of Philadelphia, **Philadelphia County**.

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

**E02-1213.** Encroachment. **Edsel W. and Harriet Burkholder**, 510 Liggett Avenue, Monongahela, PA 15063. To construct and maintain a marina consisting of a walkway and a dock along the right bank and in the channel of the Monongahela River (WWF) for the purpose of providing docking space for boats. The project is located under the Monongahela City Bridge near River Mile 32.2 (Monongahela, PA Quadrangle N: 13.6 inches; W: 5.65 inches) in Forward Township, **Allegheny County**.

**E02-1080-A1.** Encroachment. **Harrison Township**, P. O. Box 376, Natrona Heights, PA 15065-0376. To amend Permit E02-1080 which permitted the placement and maintenance of rip-rap bank and outfall protection along the left and right banks of Little Bull Creek (TSF), to dredge and maintain the channel of said stream and to relocate a portion of side stream for the purpose of restoring approximately 3,000 linear feet of said stream located approximately 4,000 feet south of the intersection of Route 28 and Saxonburg Road (Freeport, PA Quadrangle N: 3.2 inches; W: 13.2 inches) in Harrison Township, **Allegheny County** to revise the plans and cross sections for the removal of gravel bars and bank stabilization from station 1+65 to station 5+71 as shown on the plans received by the Department on January 26, 1998.

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

**E13-107.** Encroachment. **Jim Thorpe Municipal Authority**, 101 East Tenth Street, Jim Thorpe, PA 18229. To remove the existing structure and to construct and maintain a 24-foot x 6-foot concrete box culvert, depressed 0.5 foot below stream bed elevation, in Mauch Chunk Creek. The project is associated with the Jim Thorpe West Side Water Filtration Plant and is located on the north side of S. R. 3012 approximately 0.8 mile east of the intersection of S. R. 3014 and S. R. 3012 (Nesquehoning, PA Quadrangle N: 19.3 inches; W: 2.0 inches) in Jim Thorpe Borough, **Carbon County**.

**E40-476.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To maintain a road crossing of Pikes Creek, consisting of two 83-inch by 57-inch corrugated metal pipe arch culverts, with one of the culverts depressed 3 inches below stream bed elevation. Construction of the road crossing was authorized by Emergency Permit No. EP4097404. The project is located on S. R. 1034, Section 350, Segment 0010, Offset 0132, approximately 1.1 miles north of the intersection of S. R. 0029 and S. R. 0118 (Harveys Lake, PA Quadrangle N: 13.1 inches; W: 13.8 inches), in Lake Township, **Luzerne County**.

**E40-483.** Encroachment. **Rudy and Sharon Kranys**, Box 402, R. R. 1, Harveys Lake, PA 18618. To remove the existing dock decking and to construct and maintain a dock, with a boathouse and gazebo, on existing pilings, in Harveys Lake. The structure, as proposed, has an overall width of approximately 54 feet and a total lake coverage of approximately 1,900 square feet, and extends approximately 49 feet from the shoreline. The project is located at Pole No. 25 (Harveys Lake, PA Quadrangle N: 20.2 inches; W: 4.6 inches), in Harveys Lake Borough, **Luzerne County**.

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### Environmental Assessment Approvals and Actions on 401 Certification

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

**EA15-021C0.** Environmental Assessment. **Terramics Management Company** (1830 W. Swedesford Road, S. Point, Building 2, Berwyn, PA 19312). To construct and maintain a nonjurisdictional dam across a tributary to East Branch Chester Creek (TSF) for the purpose of stormwater management at Lot 21 of the Brandywine Industrial Park located approximately 550 feet southwest of the intersection of Airport Road and Ward Avenue (West Chester, PA Quadrangle N: 20.6 inches; W: 10.8 inches) in West Goshen Township, **Chester County**.

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## SPECIAL NOTICES

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### Public Notice

#### Plan Approval and Operating Permit Applications Non-major 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 permitting 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 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 must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any 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 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.

**Settlement Under the  
Hazardous Sites Cleanup Act  
Industrial Solvents and Chemical Company  
Newberry Township, York County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101–6020.1305), has entered into a proposed consent order and agreement (COA) with Flexographic Technology, Inc. (FlexTec) regarding the Department's costs incurred for conducting response activities at the Industrial Solvents and Chemical Company (ISCC) site. The ISCC site is a 9-acre parcel of land in Newberry Township, York County, adjacent to Interstate 83. The surrounding area is primarily rural, although residential, commercial and industrial developments are located within close vicinity of the site. A number of private residential wells have been contaminated by hazardous substances migrating from the ISCC site.

ISCC was involved in the reprocessing of used solvents. Because of violations of hazardous waste requirements, the Department on July 6, 1989, terminated ISCC's authority to operate a hazardous waste treatment and storage facility. The site was abandoned in 1990 when ISCC declared bankruptcy. A total of 996 parties potentially responsible for the hazardous substances located at the ISCC site were identified by the Department.

Because of the threat to human health and the environment posed by the ISCC site, the site was placed on the Pennsylvania Priority List for Remedial Response on October 26, 1991. The Department and a group of approximately 136 cooperating potentially responsible parties have conducted a number of interim actions at the

site to address the release or threat of release of hazardous substances. To date, the Department has incurred costs of approximately \$3.3 million to implement and/or oversee these interim actions. A final remedial action for the groundwater and soil at the ISCC site will be selected by the Department and implemented in the future.

On February 3, 1998, the Department and FlexTec entered into the proposed consent order and agreement. Under the terms of the COA, FlexTec will pay the Department \$750 to reimburse the Department for its response costs at the ISCC site.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The proposed consent order and agreement that contains the specific terms of the settlement is available for public review and comment. The proposed consent order and agreement can be examined from 8 a.m. to 4 p.m. at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 705-4864. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent order and agreement to the Department by July 1, 1998, by submitting them to Barbara Faletti at the above address.

**Act 101 Section 902**

**Recycling Grant Applications  
for  
Mechanical Processing Equipment**

The Department of Environmental Protection announces that the following municipalities and counties submitted recycling grant applications for mechanical processing equipment under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904). Questions concerning the applications may be directed to the applicants, the appropriate DEP Regional Planning and Recycling Coordinator, or Carl Hursh, Chief, Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

<i>Applicant</i>	<i>Project Type</i>	<i>Contact</i>	<i>Telephone</i>
<i>Southeast Region</i>			
Caln Township Chester County	Wood Recycling Equipment	Daniel C. Fox	(610) 384-0600
Abington Township Montgomery County	Mobile Yardwaste Shredder	Ed Micciolo	(215) 884-5000
<i>Northeast Region</i>			
Carbon County	Newsprint Animal Bedding Chopper	Duane Dellecker	(717) 325-3671
Allentown City Lehigh County	Compost Trommel Screen	Betsy Levin	(610) 437-8729
Eldred Township Monroe County	Wood Recycling Equipment	Sylvia Gethen	(610) 381-4252
Polk Township Monroe County	Vertical Balers (2)	Lee Everett	(717) 836-2131
Stroud Township Monroe County	Compost Shredder/Grinder	Larry Sebring	(717) 421-3362

<i>Applicant</i>	<i>Project Type</i>	<i>Contact</i>	<i>Telephone</i>
Schuylkill County <i>Southcentral Region</i>	Vertical Baler	Wayne Bowen	(717) 628-1220
Exeter Township Berks County	Wood Recycling Equipment	Troy Bingaman	(610) 779-5660
Newville Borough Cumberland County	Wood Recycling Equipment	Fred Potzer	(717) 776-7633
Franklin County	Yardwaste Tub Grinder	Robert Meredith	(717) 261-3855
East Earl Township Lancaster County	Wood Recycling Equipment	Gloria Hollinger	(717) 354-0773
Eden Township Lancaster County	Wood Recycling Equipment	Scott Winters	(717) 786-7915
East Cocalico Township Lancaster County	Wood Recycling Equipment	Karen Koncle	(717) 336-1720
Elizabeth Township Lancaster County	Wood Recycling Equipment	Glenn Martin	(717) 626-4302
West Earl Township Lancaster County	Compost Turner	Barbara Smith	(717) 859-3201
North Londonderry Twp. Lebanon County	Wood Recycling Equipment	Gordon Watts	(717) 838-1373
Hellam Township York County	Wood Recycling Equipment	Stephen Beecher	(717) 776-7633
<i>Northcentral Region</i>			
Potter Township Centre County	Wood Recycling Equipment	Budd Brooks	(814) 364-9176
Centre County	Harris-Selco Ram Balers (2), Hay Baler	Joanne Shafer	(814) 238-6649
Chest Township Clearfield County	Newsprint Animal Bedding Chopper	Michael Kunsman	(814) 672-5337
Clinton County	Newsprint Animal Bedding Chopper and Baling Equip- ment	Mike Crist	(717) 769-6977
Northumberland County	Wood Recycling Equipment	Jean Taterus	(717) 988-4371
<i>Southwest Region</i>			
City of Clairton Allegheny County	Wood Recycling Equipment	Frank Geletko	(412) 233-8113
Monroeville Municipality Allegheny County	Compost Grinder	Phyllis Cranston	(412) 856-3337
Quemahoning Township Somerset County	Wood Recycling Equipment	Samuel Donia	(814) 893-5025
Somerset Borough Somerset County	Leaf Chipper/Shredder	Ben Vinzani, Jr.	(814) 893-5025
Windber Borough Somerset County	Wood Recycling Equipment	Richard Wargo	(814) 467-9014
Charleroi Borough Washington County	Wood Recycling Equipment	Elaine Martinko	(412) 483-6011
<i>Northwest Region</i>			
Crawford County	Compost Turner	Etienne Ozorak	(814) 333-7320
Northeast Township Erie County	Yardwaste Tub Grinder	Roy Thompson	(814) 725-8606
Tidioute Borough Warren County	Magnetic Separator	Ken Lester	(814) 484-7424

### **Small Water Systems Regionalization Grant Program**

The Department of Environmental Protection's (DEP) Technical Assistance Center for Small Water Systems is accepting applications under the Small Water Systems Regionalization Grant Program. This program provides grants to eligible applicants to assess the feasibility of the formation of a regionalized water system. The proposed regionalized water system must involve at least one small community water system (a system serving 3,300 people or fewer).

Eligible applicants include any community water supplier, county, township, borough or authority whose jurisdiction includes the geographic territory of the proposed regionalized water systems, and to which a small water system has issued a letter of intent to develop a water systems regionalization study.

Grant awards are limited to 75% of all approved project costs related to the water systems regionalization study or \$75,000, whichever is less. The grantee must provide local share in the form of matching funds or in-kind services at a minimum of 25% of the total project costs.

The application period runs from May 4—June 30, 1998. Based on the availability of funding, applicants that submit a final work plan and budget which are approved by DEP will be given preference to receive a grant based on a first-come, first-served basis.

Parties interested in submitting an application are encouraged to meet with DEP staff to discuss the application and the grant process. The meeting should prove helpful in completing the application.

To arrange a meeting or to obtain a grant application, contact Donna L. Green at the Department of Environmental Protection, Bureau of Water Supply Management, Division of Technical Assistance and Outreach, Technical Assistance Center for Small Water Systems, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-0125 or Email Green.Donna@a1.dep.state.pa.us.

### **Public Notice of Proposed Cleanup Agreement Allegheny Electronic Chemicals Company Site Lewis Run Borough, McKean County**

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) the Department of Environmental Protection (Department) has entered into a cleanup agreement with Kerr-McGee Chemical LLC (Chem LLC) concerning the cleanup of the Allegheny Electronic Chemicals Company Site (site) located in Lewis Run Borough, McKean County, PA.

In the past, wastes containing hazardous substances were disposed at the site and these substances have contaminated the environment at the site. The Department has investigated the site to partially characterize the nature and extent of hazardous substances there. Under the cleanup agreement, Chem LLC will conduct additional characterization activities set forth in the Department approved work plan. Specifically, Chem LLC will investigate the contents of containers, drums and piping within, and adjacent to, the manufacturing building, and determine if any unknown underground tanks exist at the site. Chem LLC also will further investigate the nature and extent of hazardous substances in soils and the sediments of ponds and wetland areas at the site. Finally, under the cleanup agreement, Chem LLC will remediate certain areas of the site, depending on the investigations at the site.

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

Copies of the cleanup agreement are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Charles L. Tordella, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Charles Tordella at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

[Pa.B. Doc. No. 98-679. Filed for public inspection May 1, 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. 98-680. Filed for public inspection May 1, 1998, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Invitation to Bid

The Department of General Services, State Surplus Property Division is seeking contractors to remove mixed scrap metals, automotive batteries and used oil, anti-freeze, tar and paint drums from various agencies of the Commonwealth. District contracts can be subdivided and bid in part. The following counties will be involved in these contracts:

*Mixed Scrap Metals*

Scrap metal contracts will begin on July 1, 1998. District 2—Cameron, Potter and Elk Counties; District 3—Sullivan County; District 4—Luzerne, Wayne, Susquehanna and Wyoming Counties; District 5—Carbon, Lehigh, Northampton, Schuylkill and Monroe Counties; District 8—Cumberland, Perry, Adams, Franklin, York and Lebanon Counties; District 9—Bedford and Blair Counties; District 12—Westmoreland, Fayette, Greene and Washington Counties.

*Unserviceable Automotive Batteries*

Battery contracts will begin on July 1, 1998. Note that battery contractors must have an EPA ID number. Four battery contracts will be awarded for the following locations:

Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bradford, Bucks, Butler, Cambria, Cameron, Carbon, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Crawford, Cumberland, Dauphin, Delaware, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Somerset, Sullivan, Susquehanna, Snyder, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, Wyoming and York Counties.

*Scrap Oil, Tar, Paint and Anti-Freeze Drums*

Drum contracts will begin on July 1, 1998. District 1—Crawford, Erie, Forest, Mercer, Venango and Warren Counties; District 3—Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga and Bradford Counties; District 4—Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties; District 5—Berks, Carbon, Lehigh, Monroe, Northampton and Schuylkill Counties; District 10—Armstrong, Butler, Clarion, Indiana and Jefferson Counties; District 11—Allegheny, Beaver and Lawrence Counties; District 12—Fayette, Greene, Washington and Westmoreland Counties.

The above contracts will be for 1 year with an optional extension for a 2nd, 3rd and 4th year. For more information or to obtain a bid proposal for any of these contracts, write to the Department of General Services, State Surplus Property Division, 2221 Forster Street, P. O. Box 1365, Harrisburg, PA 17105, or call (717) 787-4085 prior to the bid opening on May 20, 1998.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-681. Filed for public inspection May 1, 1998, 9:00 a.m.]

### State Surplus Property

The Department of General Services, State Surplus Property Division is offering off road equipment and dump trucks for sale at public auction on May 16, 1998, at 9 a.m. located at the Department of Transportation's Equipment Shed at 17th and Arsenal Boulevard in Harrisburg, PA (near the PA State Farm Show Building).

Some of the equipment to be sold will be approximately 20 rollers, grader mounted widener, excavators, articulated loaders, graders, wood chipper, caterpillar loader, crawler dozer, international tractors, 3/4 ton utility trailer, corn planter and other miscellaneous items. There will be over 40 various types of trucks to include: dump trucks, tankers, flat beds, oil distributors and crew cabs. For more information call (717) 787-4085.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-682. Filed for public inspection May 1, 1998, 9:00 a.m.]

### State Surplus Property

The Department of General Services, State Surplus Property Division is selling an IBM Main Frame Computer System by sealed bid. The following information is a complete listing of items associated with the computer systems to be sold as one lot. This system is approximately 4 years old and in good condition.

<i>Description</i>	<i>Serial No.</i>	<i>Model</i>
IBM Central Processor	12680	9021-821
Console Table		1590
Central Storage 128-256 MB		4256
Central Storage 256-512 MB		4512
EXP Storage 1st 512 MB/A		5512
Garnet Rose		9061

<i>Description</i>	<i>Serial No.</i>	<i>Model</i>
Rose Console Table		9162
Channels 0/16 Base A		9860
Channels 17/32 Base A		9862
Escon Channels 16/32 Base A		9874
Escon Channels 0/16 Base A		9876
60 HZ 200-240V		9922
IBM Processor Controller	40154	9022-01B
Garnet Rose Covers		9061
5853 Model/Plant Merged		9110
Attached to 821		9782
Lic Iops Unit	10186	9023-001
Garnet Rose		9061
Attached to 821		9782
Lic Power & Collant Dist.	12106	9027-001
Garnet Rose		9061
Single 2 Inch Water Con		9366
Dual Input Power Source		9369
Attached to 821		9782
60 HZ 200-240V		9922
Expanded Storage on Processor		9981
Console Display for CPU	05974	3206-110
Console Display for CPU	05993	3206-110

Persons who would like more information on this computer or would like to see it, should contact George Leedy at (717) 787-5520 between the hours of 7:30 a.m. to 3:30 p.m., Monday through Friday. The computer is located at the Department of Labor & Industry, 1st Floor, Labor & Industry Building, 7th and Forster Streets, Harrisburg, PA.

To place a bid on this item, call (717) 787-4085 for a bid proposal by the bid opening date of May 20, 1998.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-683. Filed for public inspection May 1, 1998, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee is scheduled to hold a meeting on May 13, 1998, from 10 a.m. to 1 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 William J. Neil, Chief, Program Development Section, Division of Health Risk Reduction at (717) 787-5900. 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. 98-684. Filed for public inspection May 1, 1998, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Lucky 7's '98 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky 7's '98.

2. *Price:* The price of a Pennsylvania Lucky 7's '98 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Lucky 7's '98 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SVN), 8 (EGT) and 9 (NINE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize Box" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOUR DOL), \$7<sup>00</sup> (SVN DOL), \$17\$ (SVTN DOL), \$27\$ (TWY SVN), \$77\$ (SVTYSN) and \$777 (SHSTSN). The prize play symbols and their captions located in the "Fast \$7 Bonus Box" area are: \$7<sup>00</sup> (SVN DOL) and NO BONUS.

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$7, \$17, \$27, \$77 and \$777.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Lucky 7's '98 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal, and a prize play symbol of \$777 (SHSTSN) in the "Prize Box" area, on a single ticket, shall be entitled to a prize of \$777.

(b) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal, and a prize play symbol of \$77\$ (SVTYSN) in the "Prize Box" area, on a single ticket, shall be entitled to a prize of \$77.

(c) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal, and a prize play symbol of \$27\$ (TWY SVN) in the "Prize Box" area, on a single ticket, shall be entitled to a prize of \$27.

(d) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal, and a prize play symbol of \$17\$ (SVTN DOL) in the "Prize Box" area, on a single ticket, shall be entitled to a prize of \$17.

(e) Holders of tickets with a prize play symbol of \$7<sup>00</sup> (SVN DOL) in the "Fast \$7 Bonus Box" area, on a single ticket, shall be entitled to a prize of \$7.

(f) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal, and a prize play symbol of \$7<sup>00</sup> (SVN DOL) in the "Prize Box" area, on a single ticket, shall be entitled to a prize of \$7.

(g) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal, and a prize play symbol of \$4<sup>00</sup> (FOUR DOL) in the "Prize Box" area, on a single ticket, shall be entitled to a prize of \$4.

(h) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal, and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) in the "Prize Box" area, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching play symbols of 7 (SVN) in the same row, column or diagonal, and a

*Get 3 7's In Any Row, Column Or Diagonal Or Get a \$7.<sup>00</sup> In The Bonus Box With Prize Of:*

	<i>Win</i>
\$1	\$1
\$2	\$2
\$4	\$4
\$7	\$7
\$7 (FAST)	\$7
\$17	\$17
\$27	\$27
\$77	\$77
\$777	\$777

\$7 (FAST) is won in the "Bonus Box"

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky 7's '98 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky 7's '98, prize money from winning Pennsylvania Lucky 7's '98 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky 7's '98 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky 7's '98 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 98-685. Filed for public inspection May 1, 1998, 9:00 a.m.]

### **Pennsylvania Win \$1,000 A Week For Life III Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Win \$1,000 A Week For Life III.

prize play symbol of \$1.<sup>00</sup> (ONE DOL) in the "Prize Box" area, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
1:6.82	1,760,000
1:11.54	1,040,000
1:100	120,000
1:300	40,000
1:100	120,000
1:300	40,000
1:2,400	5,000
1:3,000	4,000
1:40,000	300

2. *Price:* The price of a Pennsylvania Win \$1,000 A Week For Life III instant lottery game ticket is \$2.00.

3. *Play Symbols:*

(a) Each Pennsylvania Win \$1,000 A Week For Life III instant lottery game ticket will contain three play areas known as Game 1, Game 2, and Game 3, respectively. Each game has a different game play method and is played separately.

(b) The play area for Game 1 will contain a "Your Numbers" area and a "Their Numbers" area. The play symbols and their captions located beneath the "Your Numbers" area and the "Their Numbers" area in the play area for Game 1 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN) and 15 (FIFTN).

(c) The play symbols and their captions located in the play area for Game 2 are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOUR DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$200 (TWO HUN) and LIFE (\$1,000/WEEK).

(d) The play area for Game 3 will contain a "Your Numbers" area and a "Lucky Number" area. The play symbols and their captions located beneath the "Your Numbers" area and the "Lucky Number" area in the play area for Game 3 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN) and 15 (FIFTN).

4. *Prize Play Symbols.*

(a) The play area for Game 1 will contain a "Prize" area. The prize play symbols and their captions located beneath the "Prize" area in the play area for Game 1 are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOUR DOL), \$8.<sup>00</sup> (EIGHT DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN) and LIFE (\$1,000/WEEK).

(b) The prize play symbols and their captions located in the play area for Game 3 are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THREE DOL), \$4.<sup>00</sup> (FOUR DOL), \$8.<sup>00</sup> (EIGHT DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WEEK).

5. *Prizes:* The prizes that can be won in Game 1 are \$1, \$2, \$4, \$8, \$20, \$40, \$100 and \$1,000 a week for life (\$1

million lifetime minimum). The prizes that can be won in Game 2 are \$1, \$2, \$4, \$20, \$40, \$200 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in Game 3 are \$1, \$2, \$3, \$4, \$8, \$20, \$40, \$100, \$200, \$1,000 and \$1,000 a week for life (\$1 million lifetime minimum). The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 19,680,000 tickets will be printed for the Pennsylvania Win \$1,000 A Week For Life III instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets where "Your Number" beats the "Their Number" in the same game, and a prize play symbol of LIFE (\$1,000/WEEK) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid. If the winner of the Pennsylvania \$1,000 A Week For Life III prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where "Your Number" beats the "Their Number" in the same game, and a prize play symbol of \$100 (ONE HUN) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets where "Your Number" beats the "Their Number" in the same game, and a prize play symbol of \$40\$ (FORTY) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets where "Your Number" beats the "Their Number" in the same game, and a prize play symbol of \$20\$ (TWENTY) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets where "Your Number" beats the "Their Number" in the same game, and a prize play symbol of \$8<sup>00</sup> (EIGHT DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$8.

(6) Holders of tickets where "Your Number" beats the "Their Number" in the same game, and a prize play symbol of \$4<sup>00</sup> (FOUR DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$4.

(7) Holders of tickets where "Your Number" beats the "Their Number" in the same game, and a prize play symbol of \$2<sup>00</sup> (TWO DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$2.

(8) Holders of tickets where "Your Number" beats the "Their Number" in the same game, and a prize play symbol of \$1<sup>00</sup> (ONE DOL) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$1.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching play symbols of LIFE (\$1,000/WEEK) in the play area on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under 61 Pa. Code § 811.16 (relating to prizes

payable after death of prize winner) until the \$1 million minimum has been paid. If the winner of the Pennsylvania \$1,000 A Week For Life III prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching play symbols of \$200 (TWO HUN) in the play area on a single ticket, shall be entitled to a prize of \$200.

(3) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with three matching play symbols of \$4<sup>00</sup> (FOUR DOL) in the play area on a single ticket, shall be entitled to a prize of \$4.

(6) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(7) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

(8) A prize will be paid only for the highest Pennsylvania \$1,000 A Week For Life III instant lottery game prize won in Game 2, if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of LIFE (\$1,000/WEEK) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid. If the winner of the Pennsylvania \$1,000 A Week For Life III prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(4) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$40\$ (FORTY)



appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$8<sup>00</sup> (EIGHT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(8) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$4<sup>00</sup> (FOUR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(9) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number"

play symbol and a prize play symbol of \$3<sup>00</sup> (THREE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(10) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(11) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Game 1</i>	<i>Get Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 19,680,000 Tickets</i>
\$1 x 2			\$2	1:10.71	1,836,800
\$2			\$2	1:21.43	918,400
\$1	\$1	\$1 x 2	\$4	1:57.69	341,120
	\$2	\$1 x 2	\$4	1:107.14	183,680
\$2	\$2		\$4	1:53.57	367,360
		\$4	\$4	1:68.18	288,640
\$2	\$2	\$1 x 4	\$8	1:107.14	183,680
\$2 x 2	\$4		\$8	1:750	26,240
\$4		\$4	\$8	1:750	26,240
\$1 x 2	\$1	\$1 x 5	\$8	1:750	26,240
\$4		\$8 x 2	\$20	1:750	26,240
\$4 x 2	\$2	\$2 x 5	\$20	1:750	26,240
\$4 x 2	\$4	\$4 x 2	\$20	1:750	26,240
	\$20		\$20	1:750	26,240
\$2 x 2	\$1	\$3 x 5	\$20	1:750	26,240
\$2 x 2	\$2	\$2 +\$8 x 4	\$40	1:1,200	16,400
\$20	\$20		\$40	1:2,400	8,200
\$4	\$20	\$8 x 2	\$40	1:3,000	6,560
\$8 x 2	\$4	\$20	\$40	1:3,000	6,560
\$40			\$40	1:4,000	4,920
\$20	\$20	\$40 x 4	\$200	1:30,000	656
\$20 x 2	\$20	\$20 x 2 + \$100	\$200	1:30,000	656
\$40	\$40	\$40 x 3	\$200	1:30,000	656
\$100		\$100	\$200	1:30,000	656
	\$200		\$200	1:30,000	656
	\$200	\$200 x 4	\$1,000	1:120,000	164
		\$1,000	\$1,000	1:120,000	164
\$1,000/WK/LIFE			\$634,000	1:4,920,000	4
	\$1,000/WK/LIFE		\$634,000	1:6,560,000	3
		\$1,000/WK/LIFE	\$634,000	1:6,560,000	3

9. *Claiming of Prizes.* For purposes of claiming the \$1,000 a week for life prize under this game, "lifetime" for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$1,000 a week for life prize.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Win \$1,000 A Week For Life III instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Win \$1,000 A Week For Life III, prize money from winning Pennsylvania Win \$1,000 A Week For Life III instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Win \$1,000 A Week For Life III instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid

into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Win \$1,000 A Week For Life III or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 98-686. Filed for public inspection May 1, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

#### District 4-0

The Department of Transportation, pursuant to the authority contained in Section 2002(c) of the Administrative Code (71 P. S. 512(c)) and in 67 Pa. Code 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Fidelity Deposit and Discount Bank, Michael F. Marranca, President and CEO, of Blakely and Drinker Streets, Dunmore, Pennsylvania 18512, seeking to lease highway right-of-way located at S. R. 0347, O'Neill Highway and Keystone Industrial Park Road, Dunmore Borough, Lackawanna County, approximately 22,000 S. F/0.5 acs. ±, adjacent to S. R. 0347, for purposes of adding additional parking to bank facility.

Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objection regarding the approval of this application to Charles M. Mattei, P. E., District Engineer, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501.

Questions regarding this application or the proposed use may be directed to: Rollin R. Keisling, PLS, Right-of-Way Administrator, P. O. Box 111, Scranton, PA 18501, (717) 963-4071.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-687. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Finding Wayne County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to rehabilitate the existing Lemnitzer Bridge which carries Brown Street

over the Lackawaxen River in Honesdale Borough, Wayne County. The project consists of rehabilitation of the existing bridge by replacing the superstructure and minor spall repair to the substructure. Minor approach road work will also be involved. The adjacent Honesdale Coal Company Elevator, which has been determined to be eligible for listing on the National Register of Historic Places, will be removed to correct a sub-standard sight distance problem at the westerly approach. The project will also require the acquisition of right-of-way from the land of the abandoned Honesdale Coal Company Elevator property. The effect of this project on the Honesdale Coal Company Elevator property will be mitigated by the following measures to minimize harm to the resource.

1. Prior to commencement of construction activities associated with the undertaking, the Department will ensure that the Honesdale Coal Company Elevator is documented to the standards of the Pennsylvania State Historic and Museum Commission (PHMC).

2. Concurrently with the execution of the construction contract, PennDOT will consult with the PHMC to fabricate and erect a state historical marker near the site of the Honesdale Coal Company Elevator.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the rehabilitation of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 98-688. Filed for public inspection May 1, 1998, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 499, Printers Number 526 (O'Pake), the Home Health Care Reimbursement Act, which would require all health insurance policies providing reimbursement for medically necessary services to also offer "optional health insurance benefits payable with respect to home health care in accordance with a home health care plan of treatment prescribed by a physician."

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of documentation to the Council no later than July 2, 1998. The documentation should be mailed to Flossie Wolf, PA Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with any or all of the following information categories described in Section 9 of Act 34:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of the Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of the Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the result of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) The results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

CLIFFORD L. JONES,  
*Executive Director*

[Pa.B. Doc. No. 98-689. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 590, Printers Number 622

(Williams), which requires health insurance companies and private and public health programs to provide coverage for services rendered by nonphysician, licensed acupuncturists.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of documentation to the Council no later than July 2, 1998. The documentation should be mailed to Flossie Wolf, PA Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with any or all of the following information categories described in Section 9 of Act 34:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of the Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of the Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the result of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) the results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

CLIFFORD L. JONES,  
*Executive Director*

[Pa.B. Doc. No. 98-690. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 887, Printers Number 958 (Uliana), the Mental Health Antidiscrimination Act, which would prohibit health insurance discrimination on the basis of mental illness, requiring that every health insurance policy shall provide medical coverage for the diagnosis and treatment of mental illnesses.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of documentation to the Council no later than July 2, 1998. The documentation should be mailed to Flossie Wolf, PA Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with any or all of the following information categories described in Section 9 of Act 34:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of the Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of the Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the result of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) the results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

CLIFFORD L. JONES,  
*Executive Director*

[Pa.B. Doc. No. 98-691. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 1183, Printers Number 1449 (Greenleaf), which would require every health insurance policy that provides pregnancy-related benefits to also provide coverage for the expenses of diagnosis and treatment of infertility, including, but not limited to, in vitro fertilization, uterine embryo lavage, embryo transfer, artificial insemination, gamete intrafallopian tube transfer, zygote intrafallopian tube transfer and low tubal ovum transfer, under certain medical conditions.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of documentation to the Council no later than July 2, 1998. The documentation should be mailed to Flossie Wolf, PA Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with any or all of the following information categories described in Section 9 of Act 34:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of the Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of the Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the result of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) the results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

CLIFFORD L. JONES,  
*Executive Director*

[Pa.B. Doc. No. 98-692. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings for May: Wednesday, May 6, 1998, Mandated Benefits Review Committee at 10 a.m. The committee meeting will be held in the conference room at the Council office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council meeting will be held on Thursday, May 7, 1998, at 10 a.m. in Conference Room 116 at the Hospital and Healthsystem Association of Pennsylvania (HAP), 4750 Lindle Road, Harrisburg, PA. The public is invited to attend. Persons who need accommodations due to a disability and want to attend a meeting, should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so arrangements can be made.

CLIFFORD L. JONES,  
*Executive Director*

[Pa.B. Doc. No. 98-693. Filed for public inspection May 1, 1998, 9:00 a.m.]

## HUMAN RELATIONS COMMISSION

### Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (act) (P. L. 744, No. 222) announces the publication of the stipulations of fact, findings of fact, conclusions of law, final decision and order, made after a public hearing under section 9(e)—(g) of the act, in the following consolidated cases:

*Andrea Ramirez and Christina Didion v. Patrick Rutkowski*; Doc. Nos. H6045 and H6059 (Pennsylvania Human Relations Commission, April 21, 1998); Race-based constructive eviction; Ruling for Complainants, 9-0 decision with one abstention; 15 pages.

The final order in the above-listed cases are subject to appeal to the Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or in part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinions desired, accompanied by a check or money order in the amount of 10 cents per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 98-694. Filed for public inspection May 1, 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-413	State Architects Licensure Board General Revisions	4/20/98

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-695. Filed for public inspection May 1, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

Life Assurance Company of Pennsylvania; Objections of Lisa A. Stern, Esquire; No. 334 M. D. 1990; Doc. No. CC98-01-010

A telephone prehearing conference shall be conducted on June 5, 1998, at 9:30 a.m. The parties shall have exchanged and filed prior to May 13, 1998, all exhibits intended for use at the hearing, a witness list identifying the names, addresses and telephone numbers for the proposed witnesses, the identity of all experts along with their curriculum vitae and proposed testimony, an estimate of time for the respective party's case-in-chief, a listing of all legal issues and the supportive citation for the respective party's position pertaining to the legal issues. The parties shall finalize Stipulations of Fact by May 1, 1998.

The hearing shall occur on June 10, 1998, at 11 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

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. 98-696. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Mutual-to-Stock Plan of Conversion; Public Informational Hearing

The Insurance Department will hold a public informational hearing regarding the proposed Plan of Conversion submitted by Mercer Mutual Insurance Company, a Pennsylvania domiciled mutual casualty insurance company. The proposed plan provides for conversion from a mutual casualty insurance company to a stock casualty insurance company and the formation of a stock holding company. The filing was made under the Insurance Company Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—928-A). All policyholders and interested persons are invited to attend and participate.

1. *Date and Time:* June 5, 1998, beginning at 9 a.m.
2. *Location:* Capitol Associates Building, Suite 200, North Seventh Street, Harrisburg, PA, (717) 783-2126.
3. *Nature of Hearing:* The public informational hearing will provide an opportunity for policyholders and interested persons to present oral comments relevant to the proposed Plan of Conversion. The proceeding will be recorded and a transcript may be purchased directly from the court reporter.
4. *Legal Authority:* The public informational hearing will be held under the provisions of the Insurance Company Mutual-to-Stock Conversion Act.
5. *ADA Notice:* If, due to a disability, you require the assistance of auxiliary aid or services to participate in or attend this public informational hearing, please call Tracey Pontius, Director of the Bureau of Administration, (717) 787-4298. If you are hearing impaired, please call the Department's TDD phone number (717) 783-3898.
6. *Written Comments:* If you are unable to attend the public informational hearing or would prefer to submit written comments concerning Mercer Mutual's proposed Plan of Conversion, you may do so by mailing or delivering a copy of the comment to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120 FAX (717) 787-8557, or by e-mail at [csmith@ins.state.pa.us](mailto:csmith@ins.state.pa.us). Please be advised that all comments received will be part of the public files regarding this proposal.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-697. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Rate Filing; Allstate Insurance Company; Mobile Home Insurance

On April 20, 1998, the Insurance Department received from Allstate Insurance Company a filing for a proposed rate level and rules change for mobile home insurance.

The company requests an overall 6.2% premium level increase amounting to \$204,000 annually, to be effective June 8, 1998.

Unless formal administrative action is taken prior to June 19, 1998, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Nabila Audi, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-698. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Rate Filing; Highmark Inc.; Adjustment to PremierBlue Allowances; Filing No. 98070000

By Filing No. 98070000, Highmark Inc. proposes reductions in current PremierBlue Fee Schedule allowances found to exceed 200% of Medicare allowances for the same procedures. The fees would be reduced to 112% of the applicable Medicare allowance. The impact of this proposed change is a potential 2.19% reduction in claims costs.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg, Pittsburgh, Erie and Philadelphia Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident & Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-699. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Rate Filing; Highmark Inc.; Adjustment to PremierBlue Fee Schedule Allowances Based on Site of Service; Filing No. 98100000

By Filing No. 98100000, Highmark Inc. proposes a 15% reduction in PremierBlue Fee Schedule allowances for certain services when performed in a hospital or facility setting. The impact of this proposed change is a potential 1.12% reduction in claims costs.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg, Pittsburgh, Erie and Philadelphia Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident & Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-700. Filed for public inspection May 1, 1998, 9:00 a.m.]

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**Rate Filing; Highmark Inc.; Adjustment to UCR Allowances; Filing No. 98060000**

By Filing No. 98060000, Highmark Inc. proposes reductions in UCR allowances found to exceed 200% of Medicare allowances for the same procedures. The impact of this proposed change is a potential 3.45% reduction in claims costs.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg, Pittsburgh, Erie and Philadelphia Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident & Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-701. Filed for public inspection May 1, 1998, 9:00 a.m.]

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**Rate Filing; Highmark Inc.; Adjustment to UCR and PremierBlue Allowances for Individual Component Clinical Lab Codes; Filing No. 98110000**

By Filing No. 98110000, Highmark Inc. proposes reductions in UCR and PremierBlue Fee Schedule allowances for individual component clinical laboratory procedures. This change is proposed to reduce the rate of increase in claim costs related to unbundling of certain automated panel's component codes.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg, Pittsburgh, Erie and Philadelphia Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident & Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-702. Filed for public inspection May 1, 1998, 9:00 a.m.]

**Rate Filing; Highmark Inc.; Allowances for Immunizations; Filing No. 98130000**

By Filing No. 98130000, Highmark Inc. proposes reductions in Immunization Fee Schedule allowances for DPT, mumps, measles, rubella, IPOL and Hepatitis B (adolescent dose). These changes are necessitated by the Federal per ingredient excise tax and dosage pricing for the Hepatitis B Vaccine, bringing pricing into compliance with the Childhood Immunization Act.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg, Pittsburgh, Erie and Philadelphia Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident & Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-703. Filed for public inspection May 1, 1998, 9:00 a.m.]

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**Rate Filing; Highmark Inc.; Reduction in PremierBlue Clinical Lab Fee Schedule Allowances; Filing No. 98090000**

By Filing No. 98090000, Highmark Inc. proposes reductions in PremierBlue Fee Schedule allowances for certain clinical laboratory services. The impact of this proposed change is a potential 0.23% reduction in claims costs.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg, Pittsburgh, Erie and Philadelphia Regional Offices.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident & Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 98-704. Filed for public inspection May 1, 1998, 9:00 a.m.]

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**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 David and Deborah Piel; file no. 98-267-31121; State Farm Mutual Automobile Ins. Co.; doc. no. PH98-04-024; May 20, 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. 98-705. Filed for public inspection May 1, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transmission Line With Hearing

**A-110400F0036. Pennsylvania Electric Company.** An application has been made to the Pennsylvania Public Utility Commission, under the Public Utility Code, for review and approval of the siting of a proposed 115 KV transmission line extending from the existing Erie South Gore Junction 115 KV high voltage transmission line located in the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania to the existing 115 KV Green Garden Substation located in the City of Erie, County of Erie, Commonwealth of Pennsylvania.

An initial prehearing conference on this matter will be held Wednesday, June 17, 1998, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 98-706. Filed for public inspection May 1, 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 25, 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 *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods by transfer of the rights as described under each application.*

**A-00106548. Folder 1, Am-C. Debo Moving and Storage, Inc.** (P. O. Box 278, New Brighton, Beaver County, PA 15066), inter alia—household goods in use from points in the borough of New Brighton, Beaver County, and within 10 miles by the usually traveled highways of the limits of said borough, to points in Pennsylvania within 40 miles by the usually traveled highways of the point of origin, and vice versa: *so as to permit* the transportation of household goods in use: (1) between points on the west side of the Allegheny River, and within 10 miles by the usually traveled highways of the limits of the borough of Brackenridge, Allegheny County; (2) from points in the area described in the above right (Right No. 1) excluding the borough of New Kensington, to points in Pennsylvania, and vice versa; (3) between points in the borough of Brackenridge, Allegheny County; (4) from points in the borough of Brackenridge, to points within 8 miles by the usually traveled highways of the limits of the said borough, and vice versa; and (5) between points in the borough of Brackenridge, and within 5 miles by the usually traveled highways of the limits of said borough; with Rights No. 3, 4 and 5 subject to the following conditions: (a) that all transportation shall originate or end in the borough of Brackenridge, Allegheny County, or within 8 miles by the usually traveled highways of the limits of said borough; and (b) that the transportation of household goods shall be limited and restricted to points in the borough of Brackenridge, Allegheny County, and within 5 miles by the usually traveled highways of the limits of said borough; which is to be a transfer of part of the rights authorized under the certificate issued at A-00110722, to David E. Bauman and Company, Inc., t/a Don Martin Trucking Division, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

### Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.*

**A-00107205, Folder 1, Am-B (Amended). Gold Cross Limousine of Pa. Inc.** (26 Sexton Street, Struthers, OH 44471), a corporation of the Commonwealth of



Pennsylvania—inter alia—persons in limousine service, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and return; subject to the following conditions: (1) that no right, power or privilege is granted to provide service to points in the borough of Monaca, Beaver County; and (2) that no right, power or privilege is granted to transport employees of Consolidated Rail Corporation for said corporation, from points in Mercer County: *so as to permit* the transportation of persons, in limousine service, between points in the county of Lawrence, and from points in said county, to other points in Pennsylvania, and return. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**A-00112415, F. 1, Am-B. Armando Ocando, t/d/b/a A & D Limousine** (2307 Harrow Road, Pittsburgh, Allegheny County, PA 15241)—persons in limousine service, between points in the county of Washington, and from points in said county, to points in Pennsylvania, and return; subject to the following conditions: that no right, power or privilege is granted to provide service from the county of Washington to the Pittsburgh International Airport in the county of Allegheny or to the Latrobe Airport in the county of Westmoreland; that no right power or privilege is granted to transport persons attending funerals or to provide service for funeral homes: *so as to permit* the transportation of persons in limousine service, between points in the counties of Butler and Westmoreland, and from points in the said counties, to points in Pennsylvania, and return; subject to the following conditions: that no right, power or privilege is granted to provide service to the Pittsburgh International Airport in the county of Allegheny or to the Latrobe Airport in the county of Westmoreland; that no right power or privilege is granted to transport persons attending funerals; that service in Westmoreland County is limited to the transportation of persons attending weddings, proms, concerts and nights-on-the town, using luxury, stretch limousines.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00114852. Towne Car Limousine Service, Inc.** (1725 West Passyunk Avenue, Philadelphia, Philadelphia County, PA 19145), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the city and county of Philadelphia, and the counties of Bucks, Chester, Delaware and Montgomery, and from points in the said territory, to points in Pennsylvania, and return.

**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 18, 1998.

A-00114858 Douglas B Urich, t/a Douglas B Urich Trucking  
P. O. Box 99, Saville Road,  
Ickesburg, PA 17037

A-00114857 Wickizer Lumber Company, Inc., t/a Cornerstone Forest Products  
RR 2, Box 166, Kingsley, PA 18826

A-00114859 Kauffman Transport, Inc. P. O. Box 549, Gap, 17527: Mel Newcomer,  
339 N Duke Street, P. O. Box 539,  
Lancaster, PA 17603-0539

A-00113324 F.2 Service America Courier Corp  
6001 N Adams Road, Suite 210,  
Bloomfield Hills, MI 48304

A-00114868 Richard P Jobs, t/a Phoenix Courier & Delivery  
95 Tannery Road, Reinholds, PA 17569

A-00114861 Alliance Home Builders, LLC 11 N 11th Street, Allentown, PA 18101

A-00114860 Glassmere Fuel Service, Inc.  
1967 Saxonburg Blvd., Tarentum,  
PA 15084

A-00113988 F. 2 NSL, Inc.  
3564 Scottsdale Street, Portage, IN 46368-5420: Mickey Chestovich,  
4100 Edison Lakes Parkway,  
Mishawauka, IL 46545

A-00114870 Thomas J. Mathis, t/a Tom Mathis Trucking  
R D 1, Box 223, Thomasville, PA 17364

A-00114871 Rodney Nearhood, t/a Nearhood Trucking  
R D 2, Box 46, Elliottsburg, PA 17024: Gerald Morrison, Center Square, New Bloomfield, PA 17068

A-00114862 Donald R. Peregord, t/a Dedicated All-Around Delivery Service  
15 Cypress Trail, Fairfield, PA 17320

A-00114863 Dennis J. Cunningham, t/a Cunningham Trucking  
195 A Robin Road, Saint Marys, PA 15857

A-00114864 Sorantino Enterprises, Inc  
140 Westcott Station Road,  
Bridgeton, NJ 08302

A-00114865 Donald D. Lapp  
468 Meetinghouse Road, Gap, PA 17527

A-00114866 Gerald E. Keefer, t/a Gerald Keefer Trucking  
P. O. Box 233, White, PA 15490

A-00114867 Tickbird, Inc.  
734 Nicktown Hill Road, Spangler, PA 15775: Kenneth R. Sottile, P. O. Box 728, Spangler, PA 15775

A-00101816 F. 3 Export Fuel Co., Inc.  
R D 2, Box 634, Greensburg, PA 15601

A-00114872 Edwin E. Craft, Jr., t/a Ned Craft Trucking  
345 Gerloff Road, Schwenksville, PA 19473-1685

A-00114869 Powerco, Inc.  
P. O. Box 4995, Clinton, NJ 08809:  
Cornelius Van Galen, 215 Mathews  
Avenue, P. O. Box 5016, New Brit-  
ian, PA 18901

A-00114873 A. Frederick Boehm & John R.  
Knight, Copts., t/a Better Living  
Mobile Home Transporting  
R D 3, Box 479, Mt. Pleasant, PA  
15666: David M. O'Boyle, 1450 Two  
Chatham Center, Pittsburgh, PA  
15219

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Siconey, Incorporated; Doc.  
No. A-00106427C98, A-00106427*

### Complaint

The Pennsylvania Public Utility Commission (Commis-  
sion) is a duly constituted agency of the Commonwealth  
of Pennsylvania empowered to regulate public utilities  
within the Commonwealth. The Commission has dele-  
gated its authority to initiate proceedings which are  
prosecutory in nature to the Bureau of Transportation  
and Safety and other bureaus with enforcement responsi-  
bilities. Pursuant to that delegated authority and Section  
701 of the Public Utility Code, the Bureau of Transporta-  
tion and Safety Prosecutory Staff hereby represents as  
follows:

1. That Siconey, Incorporated, respondent, maintains  
its principal place of business at 5290 West Coplay Road,  
Whitehall, Lehigh County, Pennsylvania 18052.

2. That respondent was issued a certificate of public  
convenience by this Commission on May 27, 1986, at  
Application Docket No. A-00106427.

3. That on or before March 12, 1998, respondent  
abandoned or discontinued service without submitting a  
letter to this Commission containing a statement that the  
service was no longer being rendered.

4. That respondent, by failing to submit a letter to this  
Commission stating that the service is no longer being  
rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety  
Prosecutory Staff hereby requests that the Commission  
revoke Siconey, Incorporated's certificate of public con-  
venience at A 00106427.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### Verification

I, Joseph W. Farrell, hereby state that the facts above  
set forth are true and correct to the best of my knowl-  
edge, information and belief and that I expect to be able  
to prove the same at any hearing held in this matter. I  
understand that the statements herein are made subject

to the penalties of 18 Pa.C.S. § 4904 relating to unsworn  
falsification to authorities.

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

Joseph W. Farrell

### Notice

A. You must file an answer within twenty (20) days of  
the date of service of this complaint. The date of service is  
the mailing date as indicated at the top of the Secretarial  
cover letter for this complaint and notice, 52 Pa. Code  
§ 1.56(a). The answer shall raise all factual and legal  
arguments that you wish to claim in your defense and  
must include the reference number of this complaint.  
Your answer must be verified and the original and three  
(3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105

B. If you fail to answer this complaint within twenty  
(20) days, the Bureau of Transportation and Safety will  
request that the Commission enter an order imposing a  
penalty. The penalty could include the revocation of your  
certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny  
the allegations of the complaint, the Bureau of Transporta-  
tion and Safety will request that the Commission enter  
an order imposing a penalty (see B).

D. If you file an answer which contests the complaint,  
the matter will be assigned to an administrative law  
judge for hearing and decision.

E. Alternative formats of this material are available,  
for persons with disabilities, by contacting the Technical  
Unit at (717) 783-5945.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Timothy Craig Waits, t/a  
Tim's Truck & Drive Service; Doc. No. A-00110014C98,  
A-00110014*

### Complaint

The Pennsylvania Public Utility Commission (Commis-  
sion) is a duly constituted agency of the Commonwealth  
of Pennsylvania empowered to regulate public utilities  
within the Commonwealth. The Commission has dele-  
gated its authority to initiate proceedings which are  
prosecutory in nature to the Bureau of Transportation  
and Safety and other bureaus with enforcement responsi-  
bilities. Pursuant to that delegated authority and Section  
701 of the Public Utility Code, the Bureau of Transporta-  
tion and Safety Prosecutory Staff hereby represents as  
follows:

1. That Timothy Craig Waits, t/a Tim's Truck & Drive  
Service, respondent, maintains his principal place of  
business at P. O. Box 1128, Evans City, Butler County,  
Pennsylvania 16033.

2. That respondent was issued a certificate of public  
convenience by this Commission on July 15, 1992, at  
Application Docket No. A-00110014.

3. That on or before March 6, 1998, respondent aban-  
doned or discontinued service without submitting a letter  
to this Commission containing a statement that the  
service is no longer being rendered.

4. That respondent, by failing to submit a letter to this Commission stating that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Timothy Craig Waits, t/a Tim's Truck & Drive Service's certificate of public convenience at A-00110014.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Joseph W. Farrell

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Valley Freight Lines, Inc., Doc. No. A-00078420C98, A-00078420, F.6*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has del-

egated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety hereby represents as follows:

1. That Valley Freight Lines, Inc., respondent, maintains its principal place of business at P. O. Box 2267, New Castle, Lawrence County, Pennsylvania 16102.

2. That respondent was issued a certificate of public convenience by this Commission on July 2, 1974, at Application Docket No. A-00078420, F.6.

3. That on or before March 11, 1998, respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

4. That respondent, by failing to submit a letter to this Commission stating that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Valley Freight Lines, Inc.'s certificate of public convenience at A-00078420. F.6.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Joseph W. Farrell

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Mobile Home Transport,  
 Inc.; Doc. No. A-00105190C98, A-00105190*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Mobile Home Transport, Inc., respondent, maintains its principal place of business at 103 Main Street, Connoquenessing, Butler County, Pennsylvania 16027.

2. That respondent was issued a certificate of public convenience by this Commission on September 5, 1984, at Application Docket No. A-00105190.

3. That on or before March 6, 1998, respondent abandoned or discontinued service without submitting a letter to this Commission containing a statement that the service is no longer being rendered.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Mobile Home Transport, Inc.'s certificate of public convenience at A-00105190.

Respectfully submitted,

Joseph W. Farrell  
 Director, Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

### Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Joseph W. Farrell

### Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code

§ 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Edward L. English and  
 Gerald W. Fox, Copartners, t/d/b/a Optical and Dental  
 Delivery Service; Doc. No. A-00088979C98, A-00088979*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Edward L. English and Gerald W. Fox, Copartners, t/d/b/a Optical and Dental Delivery Service, respondents, maintains their principal place of business at 717 Liberty Avenue, Room 1801A, Clarks Building, Pittsburgh, Allegheny County, Pennsylvania 15222.

2. That respondents were issued a certificate of public convenience by this Commission on October 9, 1962 at Application Docket No. A-00088979.

3. That on or before March 16, 1998, respondents abandoned or discontinued service without submitting a letter to this Commission containing a statement that the service is no longer being rendered.

4. That respondents, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission

revoke Edward L. English and Gerald W. Fox, Copartners, t/d/b/a Optical and Dental Delivery Service's certificate of public convenience at A-00088979.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Joseph W. Farrell

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Herbert E. Marshall, t/d/b/a Marshall's Moving & Storage; Doc. No. A-00089148C98, A-00089148*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Herbert E. Marshall, t/d/b/a Marshall's Moving & Storage, respondent, maintains his principal place of business at 623 Wood Street, California, Washington County, Pennsylvania 15419.

2. That respondent was issued a certificate of public convenience by this Commission on September 21, 1962, at Application Docket No. A-00089148.

3. That on or before March 18, 1998, respondent abandoned or discontinued service without having first filed an application with this Commission.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Herbert E. Marshall's, t/d/b/a Marshall's Moving & Storage certificate of public convenience at A-00089148.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Joseph W. Farrell

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-707. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Telecommunications

**A-310663. GTE North Incorporated and APT Pittsburgh Limited Partnership, d/b/a Aerial Communications.** Joint Application for approval of an Interconnection Agreement between GTE North Incorporated and APT Pittsburgh Limited Partnership, d/b/a Aerial Communications under section 252(i) of the Telecommunications Act of 1996.

GTE North Incorporated and APT Pittsburgh Limited Partnership, d/b/a Aerial Communications, 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 section 252(i) 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 APT Pittsburgh Limited Partnership, d/b/a Aerial Communications 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. 98-708. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Water Service Without Hearing

**A-212370F0044. Philadelphia Suburban Water Company.** Application of Philadelphia Suburban Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional territory in Bensalem Township, Bucks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 18, 1998, under 52 Pa. Code (relating to public utilities).

*Applicant:* Philadelphia Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, Philadelphia Suburban Water Company, 762 Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-709. Filed for public inspection May 1, 1998, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project # 9815.4—Repairs to Site Lighting at Tioga Marine Terminal—Berths Nos. 4 and 5 until 2 p.m. on Thursday, May 21, 1998. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Sq., Philadelphia, PA 19106, 13th Floor, (215) 928-9100 and will be available May 5, 1998. The cost of the bid document is \$35 (includes 7% PA sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid job site meeting will be held Thursday, May 14, 1998, 10 a.m. at the job site, Delaware Ave. and Venango St., Philadelphia, PA 19134 (at Gatehouse).

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 98-710. Filed for public inspection May 1, 1998, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

May 27, 1998	Patricia A. Graham (Service Purchase)	1 p.m.
June 1, 1998	Cornelius Daly (Maximum Single Life Annuity Increase/Incentive Payment Included in Final Average Salary)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704

(relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 98-711. Filed for public inspection May 1, 1998, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission requests sealed bids for:

1. Three 4 X 4 One-Ton Stakebody Utility Vehicles  
*Open Date:* May 13, 1998 at 11:30 a.m.
2. Nine One-Ton Extended Cargo Vans  
*Open Date:* May 14, 1998 at 11:30 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-712. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Request for Bids

The Turnpike Commission requests sealed bids for Custom Hopper/Spreader for Tandem Dump Trucks. Open Date: May 20, 1998 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by

communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-713. Filed for public inspection May 1, 1998, 9:00 a.m.]

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

**Contract No. 98-076-RF69**—Bituminous overlay, ID-3, SRL-E between M.P. 115.98 AND M.P. 122.19 on the PA Turnpike System in Somerset Co., PA

*Bid Opening Date*—June 9, 1998, 11 a.m.

*Bid Surety*—5%

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set by check or P. O. Money Order (no cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No Refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-714. Filed for public inspection May 1, 1998, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705



## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**1725117** Communication equipment—1 lot video surveillance alarm interface unit.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1651117** Construction and building materials—1 each fence intrusion detection system to be purchased and installed.

**Department:** Corrections  
**Location:** Cambridge Springs, Crawford County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1968217** Construction and building materials—1 lot furnish and install security fence around Reed Building on the Campus of Danville State Hospital.

**Department:** Public Welfare  
**Location:** Loysville, Perry County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2050117** Construction and building materials—194 each steel operable detention screens w/keyed lock. Fabricated and installed to meet specifications Aug size 49" x 82"; 35 each steel fixed detention screens fabricated and installed to meet specification Aug size 30" x 74".

**Department:** Corrections  
**Location:** Somerset, Somerset County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8504440** Construction and building materials—1 each precast concrete box culvert.

**Department:** Transportation  
**Location:** Chambersburg, Franklin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1875217** Food preparation and serving equipment—1 each furnish and install Insinger Tract 321-2 RPM tray washer, automatic, double tank, heated by steam injector, left to right feed.

**Department:** Norristown State Hospital  
**Location:** Norristown, Montgomery County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1878137** Food preparation and serving equipment—1 each furnish and install one Alto-Shamm 10.18 Combitherm oven/steamer w/stainless stand with one bottom shelf or approved equal.

**Department:** Soldiers and Sailors Home  
**Location:** Erie, Erie County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2003137** Hospital furniture—219 each overbed table height; infinitely adjustable from 29" to 44".

**Department:** Southwestern Veterans Center  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1986357** Laboratory instruments and equipment—3 each Seismograph and 60 rolls of paper for Seismograph instruments.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2052157** Laboratory instruments and equipment—1 system Photodocumentation/Image Analysis systems.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8122250** Laboratory instruments and equipment—2 each portable weigh-in-motion system.

**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

**8137400** Lumber, millwork, plywood and veneer—650 each 2" x 6" x 8' pressure treated lumber; 650 each 2" x 6" x 16' pressure treated lumber.

**Department:** Transportation  
**Location:** Montoursville, Lycoming County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1951217** Materials handling equipment—1 each latest model electric rider forklift.

**Department:** Public Welfare  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2070117** Metal working machinery—1 each throughfeed planer/molder, 5 head molder, 3 PH, 460 volt to be SCMI Superset 23.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1950217** Motor vehicles, trailers and cycles—1 each latest model converted omnibus.

**Department:** Public Welfare  
**Location:** Polk, Venango County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1966387** Motor vehicles, trailers and cycles—1 each latest model low profile trailer with 2 axles.

**Department:** Forestry  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1989387** Motor vehicles, trailers and cycles—2 each latest model tandem axle dump truck w/14' dump body w/hoist.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**8234670** Motor vehicles, trailers and cycles—1 each profiler, light duty 023400 with trailer (2565).

**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

**2061207** Office supplies, machines and equipment—46 each recorders, cassette, 3 head, 2 speed w/remote jack, external speaker/phone jack; 10 each racks, recorder Title III to hold three of the referenced Recorders (no substitute).

**Department:** State Police  
**Location:** Hershey, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2026187** Paper and printing—15M E-94CT (3-98) envelope white Kraft 32 lb. window; 70M E-78EX (12-88) envelope white Kraft 32 lb.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2060157** Paper and printing—270M STD-929 Time and Attendance Record, 3 part snap set.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2062157** Paper and printing—2600M STD-330 Requests for Leave, 3 part snap set.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2017137** Prefab structures and scaffolding—3 each "Skyjack" Model SJP25 or approved equal.

**Department:** Military and Veterans Affairs  
**Location:** Annville, Lebanon County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**1960117** Prefabricated structures and scaffolding—3,000 ft. shielded wire, 1/2 CMCL3 must be 1,000 ft./roll; 3,000 foot unshielded Audion wire, 2UTP/2 STP must be 1,000 ft./roll; 21,500 ft. No. 12 THHN solid wire in various colors; 2,000 ft. No. 2 THHN wire must be black; 500 ft. No. 6 wire must be green; 1 each panelboard Type AQ (101) 24 CKTS; 2,600 ft. conduit 3/4" EMT; 400 ft. conduit 1 1/2" EMT; 400 ft. conduit flex reduced wall 1/2"; 2 each J Box 12" x 12" x 6"; 58 each industrial fluorescent lights (Ref. Hubbel Imperial No. IMO42RPE25-A4; 7 each exit/emergency lights (Ref. Freedom Series No. LED1ACRWW); 14 each ceiling lights (Ref. Hubbel Versaline V No. RD2GNA02-04); 18 each ceiling lighting (Ref. Hubbel Versaline V No. RD2GNA02-A1); 2 each outdoor perimeter lighting (Ref. Hubbel Holophane No.

WP2A070HP12BZP); 1 each outdoor perimeter lighting (Ref. Hubbel Holophane No. WP2A070HP27BZP).

**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

**2097077** Promotional items—2,815 each 10 ounce natural canvas tote, 12" wide x 7" deep x 16" high, two sided one color print; 6,500 each Pillbox, 7 compartment size 6 1/4" x 7/8"; 30 thousand imprinted plastic cases, size 3 1/2" x 2", two color imprint; 6,000 each clear magnifier-scanner 6" ruler, one side imprint; 20 thousand Breast Care Action Guide, one color imprint; 30 thousand plastic bags, standard size die cut handle one color imprint; 2,425 each fanny pack, 15" wide x 3" deep x 8" high, 10 ounce colored canvas w/colored straps; 3,000 each safety night light, house shaped, color white, imprint black; 200 each 16 ounce insulated mini sports bottle, black w/Pantone 260 Department Logo; 1 thousand lapel pin 1" red Aids Awareness Ribbons; 700 each child's cap 0—5 years of age, made of supplex or other fast drying material; 350 each mini minder clip magnetic backing, Department logo in black and Pantone 260.

**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

**1884117** Refrigerator and AC equipment—1 project furnish and install complete 7 1/2 ton air conditioning system at the Administration Building at State Correctional Institution Muncy.

**Department:** Corrections  
**Location:** Muncy, Lycoming County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2059167** Steam plant and drying equipment—1 each No. 3401-20 refrigeration training systems—Lab Volt Sys; 1 each 33402-30 heat pump training systems Lab Volt Sys; 1 each No. 3405-10 split type A/C trainer Lab Volt Sys; 1 each No. 3410-20 domestic freezer skills trainer Lab Volt Sys; 1 each No. 3411-20 heat pump skills trainer Lab Volt Sys; 1 each No. 3412-20 beverage cooler skills trainer Lab Volt Sys; 1 No. 3413-20 dual temperature skills trainer Lab Volt Sys; 1 each No. 3414-20 walk-in cooler skills trainer Lab Volt Sys; 1 each No. 3415-20 forced A/C skills Trainer Lab Volt Sys; 1 each No. 3440-20 charging station Lab Volt Sys; 1 each 33441-20 comprehensive tool cabinet Lab Volt Sys; 1 each practical electricity electronics package; 1 each electricity electronics workstation; 1 each YRD-RR recovery and recycling system; 1 each No. ESC11-11 eye protection cabinet w/30 pairs goggles; 1 each No. MSC-3624 metal storage cabinet.

**Department:** Education  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97—98  
**Contact:** Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

**2002117** Subsistence—441 bags dry baby lima beans; 588 bags kidney beans, dark red dry; 529 bags navy (pea) beans; 180 bags dry blackeyed peas; 235 bags pinto beans.

**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

**1995387** Vehicular equipment and components or automotive repair and maintenance parts—9 each six strobe light bar Reference Whelen Edge Model 9406; 9 each low profile speaker, Reference Whelen Model SA-40; 10 each six outlet, 60 watt power supply w/two clear HA238 hide-away lamps Reference Whelen Model SPS 660; 20 each dash miser single head strobe, eleven each w/red lens, nine each w/blue lens; 9 each lite box, Reference Streamlite SL-45 fire.

**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

## SERVICES

### Construction—09

**Contract No. FBP-96-7-0033A** Demolition of existing bridge (steel I-beams, concrete deck and stone masonry abutments); construction of a new bridge (glulam timber beams and deck, reinforced concrete abutments and wingwalls). All work is located in Forest District No. 7 approximately 10 miles west of the village of Hartleton.

**Department:** Conservation and Natural Resources  
**Location:** Haines Township, Centre County, PA  
**Duration:** Complete all work by September 30, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FBP-96-7-0047A** Demolition of existing bridge (steel I-beams, concrete deck and stone masonry abutments); construction of a new bridge (prestressed concrete beams, reinforced concrete abutments, wingwalls and deck, architectural surface treatment). All work is in Forest District No. 7 approximately 2 miles south of Interchange No. 29 of I-80.

**Department:** Conservation and Natural Resources  
**Location:** West Buffalo Township, Union County, PA  
**Duration:** Complete all work by September 30, 1999  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-019-129** Removal of existing two-span steel superstructure; erosion and sedimentation control measures; selected material surfacing; bituminous paving; traffic signing, guide rail; landscaping; plain and reinforced concrete; stone masonry rehabilitation and glue laminated timber beam. Superstructure and structure mounted railing. All work is in Forest District No. 19, approximately 15 miles north of Marshalls Creek.

**Department:** Conservation and Natural Resources  
**Location:** Porter Township, Pike County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**DGS 141-6** Project title: Improvement Program for Canal Structure in Order to Return and Maintain Water in the Delaware Canal. Brief description: dredging, backfilling, compaction, rip-rap, clearing, grubbing, installing clay liner, widening towpath, seeding, mulching, temporary roads and bridges. Removal and disposal of dredge material construction surveys, erosion, sedimentation control, permits and traffic protection. General construction. Plans deposit: \$32 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 requests to: Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, 8th Floor, RCSOB, Harrisburg, PA 17101, (717) 783-3333. Bid date: Wednesday, May 27, 1998 at 1 p.m. A Prebid Conference has been scheduled for Tuesday, May 5, 1998 at 10 a.m. at the Washington Crossing State Park Visitors' Center in the North Gallery Room, Washington Crossing, PA. Contact: Bob Stakem, (717) 783-3331. The Visitors' Center is located at the intersection of Pennsylvania Route 32 and PA Route 532 in Washington Crossing, PA. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Delaware Canal State Park, Bucks County, PA  
**Duration:** 325 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-460** Project title: Replace or Upgrade Existing Electrical System. Brief description: Electrical system upgrade including panels and feeders. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. 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:** PennDOT Maintenance Building, Montrose, Susquehanna County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 402-49 (Rebid)** Project title: Renovation of Hamer Gymnasium. Brief description: Work consists of selective demolition, site improvements, concrete foundations, masonry, structural steel, roofing, windows, doors, partitions, finishes and modification/extensions to HVAC, plumbing, electrical and elevator systems. General, HVAC, plumbing and electrical construction. Plans deposit: \$330 per set. Payable to: Apostolou 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 requests to: Apostolou Associates, 47 Bailey Avenue, Pittsburgh, PA 15211, (412) 381-1400. Bid date: Wednesday, May 27, 1998 at 11 a.m.

**Department:** General Services  
**Location:** California University of PA, California, Washington County, PA  
**Duration:** Indeterminate 1997-98  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 584-64** Project title: Replace Existing Automatic Operated Doors on Sherwood Towers Building. Brief description: Remove existing automatic operated doors and manual doors on Sherwood Towers Building. Install new automatic operated and manual swing doors and provide all accessories. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. 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. Bid date: Wednesday, May 13, 1998 at 11 a.m.

**Department:** General Services  
**Location:** Western Center, Canonsburg, Washington County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 970-133** Project title: Boiler Replacement. Brief description: Replace existing boiler No. 2 with a new cast-iron sectional boiler and reuse the existing No. 2 fuel oil burner. Remove and reinstall piping, components, valves and related work. Provide new piping, controls and electrical circuits. Reconnect all services. Heating construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. 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. Bid date: Wednesday, May 13, 1998 at 1 p.m.

**Department:** General Services  
**Location:** National Guard Armory, Philadelphia, Philadelphia County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 993-3** Project title: Restoration and Preservation of the New Freedom Theatre. Brief description: Restoration and preservation work to the interior and exterior of New Freedom Theatre involving general, HVAC, plumbing and fire protection and electrical construction. General, HVAC, plumbing and fire protection and electrical construction. Plans deposit: \$125 per set. Payable to: Saxon/Capers Architects, P. C. Mitchell Kurtz Architect, P. C. (Joint Venture). 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: Saxon/Capers Architects, P. C./Mitchell Kurtz, Architect, P. C. (Joint Venture), 1080 North Delaware Avenue, 7th Floor, Philadelphia, PA 19125-4330, (215) 739-9631. Bid date: Wednesday, May 20, 1998 at 1 p.m. A Prebid Conference has been scheduled for Wednesday, May 6, 1998 at 10 a.m. at the New Freedom Theatre, 1346 North Broad Street, Philadelphia, PA. Contact: Bob Saxon, (215) 739-9631. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** New Freedom Theatre, Philadelphia, Philadelphia County, PA  
**Duration:** 330 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**IN-765.1** Roof Replacement Various Buildings. Work included under this project consists of roof replacement, various buildings, consisting of removing existing built-up roofing, E.P.D.M. roofing, river gravel, stainless steel coping, security lights, roof hatches, roof drains, ventilators, through wall flashing, and the like, to furnish and install new E.P.D.M. roofing, insulation, drains, curb caps, joint sealants, wood blocking, bronze colored fascia, and the like. Notice to Contractors may be requested from IUP. Phone: (724) 357-2289, Fax: (724) 357-6480, Internet: <http://www.iup.edu/phyfac>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

**K98073** Edinboro University of Pennsylvania is seeking bids for parking lot paving and electrical work at the McComb Fieldhouse and Sox Harrison Stadium, Edinboro University main campus. A prebid meeting will be held on May 7, 1998 at 9 a.m. in the Second Floor Conference Room, McNeerney Hall. Bids are due by 2 p.m. on May 14, 1998 in the Purchasing Office, 219 McNeerney Hall, Edinboro, PA 16444. Plans and documents are available for a \$15 nonrefundable fee from the Purchasing Office. MBE/WBE firms are urged to respond.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Edinboro, PA 16444  
**Duration:** 45 days after Notice to Proceed  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

**K-98080** Edinboro University of Pennsylvania is seeking bids for a 1-year requirements contract (may be renewed for up to 2 additional years), for sidewalk repair at the EUP main campus (Edinboro, PA) and Porreco Extension Center (Erie, PA). A prebid meeting will be held on May 6, 1998, at 9:30 a.m. in the Second Floor Conference Room, McNeerney Hall. Bids are due by 2 p.m. on May 13, 1998 in the Purchasing Office, 219 McNeerney Hall, Edinboro, PA 16444. Plans and documents are available for a \$15 nonrefundable deposit from the Purchasing Office. MBE/WBE firms are urged to respond.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Edinboro, PA 16444  
**Duration:** One year agreement, may be renewed for 2 additional years  
**Contact:** Tom Anderson, Contract Specialist, (814) 732-2704

## Demolition—11

**030-0284** Demolition and removal of a two story frame double in the Borough of Danville. This property is located at 109-111 Factory Street.

**Department:** Transportation  
**Location:** Montour County, PA  
**Duration:** Thirty (30) days  
**Contact:** Joel K. Hart, (717) 368-4237

**Elevator Maintenance—13**

**010338** This contract is for the maintenance of two elevators located in the PennDOT District 1-0 Office at 254 Elm Street, Oil City, PA 16301. All requests for bid packages must be received by fax at (814) 437-4446 (Attn: Amy Judson-Burak).

**Department:** Transportation  
**Location:** Engineering District 1-0, 245 Elm Street, Oil City, PA 16301  
**Duration:** 1 year with four renewals  
**Contact:** Amy Judson-Burak, (814) 437-4202

**Environmental Maintenance—15**

**BF 341-102.1** Abandoned mine land reclamation, North American Mining, Inc. involves an estimated 200,000 c. y. of grading, 800 s. y. of R-4 rock lining and 39 acres of seeding. Seventy-nine (79%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.1 million for Pennsylvania's 1998 AML Grant.

**Department:** Environmental Protection  
**Location:** Newport Township, Luzerne County, PA  
**Duration:** 300 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM PA(819)106.5** On-call rotary exploration drilling investigation involves an estimated five work sites involving approximately 11,110 l. f. of drilling boreholes and 7,530 l. f. of 6, 8 or 10 inch steel casing. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.4 million for Pennsylvania's 1997 AML Grant.

**Department:** Environmental Protection  
**Location:** Anthracite Coal Region, Columbia, Lackawanna, Luzerne, Northumberland and Schuylkill Counties, PA  
**Duration:** 365 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**Food—19**

**98-003** Beverage dispensing system as follows: Drink Express PAX Juice—Dispensers Dispense System—Unit shall have four juice selection, post mix (two drinks simultaneously) front loading, tamper resistant and lockable doors. Twelve month contract for purchase of various flavors of frozen concentrate product awarded vendor shall supply, one dispensing unit. Bid will be awarded on lowest aggregate basis. Bids will be opened at this facility on May 27, 1998 at 2:30 p.m.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoese Road, Bensalem, PA 19020  
**Duration:** July, 1998 through June, 1999  
**Contact:** Dorthia Claud-Williams, Purchasing, (215) 953-6412

**98-004** Drinks 16 oz. disposable cartons as follows: 36,000 each fruit drink—16 oz. disposable cartons (assorted flavors); 12,000 each lemonade—16 oz. disposable cartons; and 12,000 each iced tea—16 oz. disposable cartons. Bids will be awarded to the lowest bidder on an aggregate total. Bids will be opened at this facility on May 27, 1998 at 2:30 p.m.

**Department:** Public Welfare  
**Location:** Bensalem Youth Development Center, 3701 Old Trevoese Road, Bensalem, PA 19020  
**Duration:** July, 1998 through June, 1999  
**Contact:** Dorthia Claud-Williams, Purchasing, (215) 953-6412

**78450** Juice, juice drinks. Express packed—frozen, unsweetened for Warren State Hospital. Complete quantities and delivery dates 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—June 30, 2000  
**Contact:** JD Sample, (814) 726-4448

**LBP-97-066** Meat and meat products—quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

**Department:** Military and Veterans Affairs  
**Location:** Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 1998 through September 30, 1998  
**Contact:** Joseph Libus, Purchasing Agent II, (717) 961-4318

**LBP-97-067** Miscellaneous frozen food items—quantities, specifications and delivery dates may be obtained from the Northeastern PA Veterans Center.

**Department:** Military and Veterans Affairs  
**Location:** Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 1998 through September 30, 1998  
**Contact:** Joseph Libus, Purchasing Agent II, (717) 961-4318

**Hazardous Material Services—21**

**401-BL-572** Removal of a portion of existing boiler breeching ductwork and asbestos insulation, and installation of new breeching and insulation, at heating plant, Bloomsburg University. Plans and specifications can be obtained by contacting Reilly Associates at 222 Wyoming Avenue, West Pittston, PA 18643, (717) 654-2473 for a nonrefundable \$50 deposit. It is anticipated that the bid documents will be released in mid-May 1998, and all dates related to prebid and bids receipt will be included in the bid documents.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 90 days  
**Contact:** Joseph C. Quinn, (717) 389-4311

**HVAC—22**

**Project No. 014** Provide emergency and routine repair work for heating 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, 441 North Findley Street, Punxsutawney, Jefferson County, PA  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 015** 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, 72 North Broad Street, Ridgway, Elk County, PA  
**Duration:** July 1, 1998—June 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**010339** This service will be for the PennDOT District 1-0 Office Building located at 254 Elm Street, Oil City, PA 16301. All requests for bid packages must be received by fax at (814) 437-4446 (Attn: Amy Judson-Burak).

**Department:** Transportation  
**Location:** Engineering District 1-0, 254 Elm Street, Oil City, PA 16301  
**Duration:** 1 year with two 2-year renewals  
**Contact:** Amy Judson-Burak, (814) 437-4202

**121040** Emergency repair and/or maintenance of existing electrical systems in Maintenance District 1210 and Engineering District 1200. Service shall include all installations maintained by the Pennsylvania Department of Transportation in Fayette County. A request for bid package should be faxed to (724) 430-4403, Attention: Donna Sofranko.

**Department:** Transportation  
**Location:** Throughout Fayette County, PA  
**Duration:** One year with four 1-year renewals  
**Contact:** Donna Sofranko, (724) 439-7473

**E-1308** Repair of high voltage systems throughout Embreeville Center. To receive specifications, submit fax to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, (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) 562-6034

**E-1309** Unclog and maintain sewer mains throughout Embreeville Center. To receive specifications, submit fax to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, (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

## Janitorial Services—23

**010337** This contract will provide for the daily cleaning of the PennDOT District 1-0 Office located at 254 Elm Street, Oil City, PA 16301. All requests for bid packages must be received by fax at (814) 437-4446 (Attn: Amy Judson-Burak).

**Department:** Transportation  
**Location:** Engineering District 1-0, 254 Elm Street, Oil City, PA 16301  
**Duration:** 1 year with four 1-year renewals  
**Contact:** Amy Judson-Burak, (814) 437-4202

**120J01** Janitorial services—Provide all janitorial services at the Pennsylvania Department of Transportation, Engineering District 12-0 Office. The service company shall furnish all personnel, equipment and material to complete all services.

**Department:** Transportation  
**Location:** North Gallatin Avenue Extension, Uniontown, PA 15401  
**Duration:** July 1, 1998 through June 30, 1999 (1 year contract with three renewal options)  
**Contact:** Liberty Hill, (724) 439-7361

**FM-42** Furnish all equipment, material and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, wash windows inside and outside, general housecleaning twice a year, shampoo carpets at the PA State Police, Meadville Station, 11176 Murray Road, Meadville, PA 16335. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Meadville Station, 11176 Murray Road, Meadville, PA 16335  
**Duration:** July 01, 1998 to June 30, 2001  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

**JC-5-98** Janitorial services to maintain the office premises of the Wayne County Job Center, located at 444 Sunrise Avenue, Honesdale, PA. The services include various cleaning chores daily, weekly, monthly, quarterly and semiannually. Square footage of premises: 25,900 net square feet 100% Federally funded.

**Department:** Labor and Industry  
**Location:** Wayne County Job Center, Honesdale, No. 0212, 444 Sunrise Avenue, Honesdale, Wayne County, PA 18431  
**Duration:** October 1, 1998—September 30, 2000 (Twenty-four (24) months)  
**Contact:** Wayne County Job Center, (717) 253-7135

## Medical Services—29

**090-PDP** Request for Proposal: The Office of the Chancellor, State System of Higher Education wishes to secure the services of a claims administrator to provide prescription drug administration services for employees and annuitants of the organization. The request for proposal (RFP) and preproposal conference will provide interested vendors with sufficient information to prepare and submit proposals to the Office of the Chancellor for consideration. If interested please write to Mary Ann Spontak to request a copy of the RFP document. Mary Ann Spontak's address is Office of the Chancellor, State System of Higher Education, 2986 North Second Street, Harrisburg, PA 17110. Interested parties may wish to attend a preproposal conference on May 28, 1998. Final bids must be submitted by the close of business on June 12, 1998.

**Department:** State System of Higher Education  
**Location:** 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** Indeterminate 1997—98  
**Contact:** Mary Ann Spontak, (717) 720-4166

**11098005** Vendor will provide medical examinations of employes who may be exposed to unknown hazardous chemicals. Service will include baseline and annual examinations provided by a licensed physician with a thorough understanding of occupational medicine. Specific tests and exams will be listed in the bidding package.

**Department:** Transportation  
**Location:** Engineering District 11-0, Contractors location within 60 mile radius from Engineering District Office located in Collier Township, Bridgeville, PA  
**Duration:** July 01, 1998 through June 31, 1999 with renewal options  
**Contact:** Dale Yessler, (412) 429-4989

## Property Maintenance—33

**97-58** Mansfield University is seeking interested contractors for renovations to Decker Gymnasium—Project 97-58. Construction includes: Removal of existing light fixtures, including fixtures, lamps, all necessary electrical accessories, and the like. Provide painting of overhead structure, at areas indicated on the drawings. Provide painting of basketball backboard supports and catwalks. Sand and remove all floor finishes for the wood floor at the area designated. Provide new floor finish at all areas designated. Provide new game line striping, main basketball court borders, end lines and center circle graphics matching existing. A prebid meeting is scheduled for May 21, 1998, at 10 a.m. in Brooks Maintenance Building, Mansfield University. The bid opening will be June 3, 1998, at 2 p.m. in the Purchasing Department, Brooks Maintenance Building, Mansfield University, Mansfield, PA. Bid package cost is \$15 nonrefundable deposit. All responsible bidders are invited to participate, including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, PA 16933  
**Duration:** 45 days from date of notice to proceed  
**Contact:** Peg Chapel, (717) 662-4148

**120R-015** The contractor will be responsible for cleaning both inside and outside of windows and skylights (approximately 42 feet high) at Welcome Center Site D in Greene County. Also, contractor will be required to change light bulbs in track lighting by interior skylights (bulbs to be supplied by contractor). All work to be done according to contract specifications.

**Department:** Transportation  
**Location:** Greene County I79 Northbound Welcome Center  
**Duration:** One year with two, 2-year renewals  
**Contact:** Michael D. Maurer, (724) 439-7374

**120R-016** Tree trimming and removal along various routes in Greene County according to contract specifications. Contract will be bid on a per mile basis, payment will be made lump sum per line item.

**Department:** Transportation  
**Location:** Various routes in Greene County, PA  
**Duration:** 11 months  
**Contact:** Michael D. Maurer, (724) 439-7374

**CL-489** Replace doors and windows. Special Ed. Clarion University is soliciting bids for removal and replacement of window and door units and installation of automatic door openers on selected doors in the Special Education Building on the Clarion campus. Bids due: 1:30 p.m., June 8, 1998. Prebid conference: 10 a.m., May 26, 1998 in McEntire Maintenance Building, Wilson Avenue, Clarion, PA. Bid packages available by mailing \$15 nonrefundable check, made payable to Clarion University, to 218 Carrier Hall, Clarion, PA 16214.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, PA  
**Duration:** 60 days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**CL-494** Paint water tower. Clarion University of the State System of Higher Education is soliciting bids for cleaning, priming and overcoating of the complete exterior surface of a previously painted 158 foot, 500,000 gallon steel water tank located on the Clarion campus. Prebid conference: 10 a.m., May 27, 1998 in McEntire Maintenance Building. Bids due and Public Bid Opening: 1:30 p.m., June 9, 1998. Bid packages available from contact person by mailing \$15 nonrefundable check payable to Clarion University, 218 Carrier Hall, Clarion, PA 16214.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, PA  
**Duration:** 90 days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

### Real Estate Services—35

**63A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with 17,715 useable square feet of existing office space with parking for 29 vehicles, within the following boundaries: within a 2 mile radius of the Labor and Industry Building, Harrisburg. Space must be located within Dauphin County, PA. In areas where street or public parking is not available, an additional 36 parking spaces are required. Solicitation No.: 92674. Proposals due: May 18, 1998.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1997-98  
**Contact:** Jennings Ward, (717) 787-7405

**64A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Public School Employees' Retirement System with 2,566 useable square feet of new or existing office space, with parking for seven vehicles, in Pittsburgh, Allegheny County, PA within the following boundaries: North: Pittsburgh-McKeesport Boulevard, Lebanon Church Road, Curry Hollow Road, Broughton Road, Bethel Church Road, McGlaughlin Run Road, Bluff Street, and Tresley Road; South: Route 22/30 (I-376 and/or I-279); East: I-79; West: Route 837 and 2nd Avenue. Proposals due: June 1, 1998. Solicitation No.: 92675.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** Cynthia T. Lentz, (717) 787-4394

**98-040-REA-2** Title searches for properties affected by construction of the proposed Tunkhannock By-Pass project, Wyoming County. Contractor must be experienced in performing such searches for residential and commercial properties. Request for bid information must be received by May 20, 1998.

**Department:** Transportation  
**Location:** District 4-0, Tunkhannock Boro, Wyoming County, PA  
**Duration:** Indeterminate 1998-99  
**Contact:** Robert Andrukaitis, (717) 963-4038

**0500-RW SR 222-001 and RW SR 222-002** Real Estate Appraiser to complete appraisals on various types of properties identified on plans related to the reconstruction or improvement of SR 222-001 and SR 222-002 in Berks County. The appraisals will be subject to an extensive review process. Persons submitting bids must be on the Department of Transportation prequalified list of fee appraisers and have the proper certification, that is, Residential/General, and the like for the various appraisals to be completed. Properties to be appraised are located in Brecknock, Cumru, Spring Township, Berks County.

**Department:** Transportation  
**Location:** RW District 5-0, Appraisals to be delivered to: Presnell Associates, Inc., 8 Morgan Drive, Sinking Spring, PA 19608  
**Duration:** First appraisals to be completed and submitted within 30-60 days  
**Contact:** Thomas Redding-Presnell Associates, Inc., (610) 603-0201

### Sanitation—36

**090-000207** Refuse and trash removal services at three satellite stockpile sites. Vendor to provide a 6-cubic yard container (or two 3-cubic yard containers) at each site (2 year contract with possible 2 year renewal).

**Department:** Transportation  
**Location:** Three Satellite Stockpile Sites (Buckstown, New Centerville and Meyersdale) in Somerset County, PA  
**Duration:** July 1, 1998 through June 30, 2000 (2 year contract)  
**Contact:** Ernie Pyle, 9-7 Somerset County, (814) 445-7905

**090-000226** Contractor to clean (1) sludge holding tank—3,500 gallons; (2) septic tank—9,375 gallons, and (3) dozing pit—2,340 gallons located at two I-70 rest areas in Fulton County. (2-year contract).

**Department:** Transportation  
**Location:** Engineering District 9-0, Fulton County, (2) I-70 Rest Areas near Crystal Spring and near Warfordsburg, PA  
**Duration:** October 1, 1998 to September 30, 2000 (2 year contract)  
**Contact:** Sean Alexander, (814) 696-7116

### Vehicle, Heavy Equipment—38

**304-113** Vendor to furnish labor and equipment for the repair of motors, as well as the overhaul and rebuilding of motors for the Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. All work to be done in accordance with standards of the trade and in accordance with the attached specifications.

**Department:** General Services  
**Location:** Bureau of Buildings and Grounds, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Duration:** July 1, 1998 through June 30, 2000  
**Contact:** Joseph Ehrenberger, Building Administrator, (412) 565-5373

**SP 373909** Vendor to supply services for repairs and maintenance on five forklifts and two hand trucks for the Commodity Distribution Center for Fiscal Year July 1, 1998 and ending June 30, 1999. Vendor will indicate hourly rate for labor and cost for parts.

**Department:** General Services  
**Location:** Bureau of Supplies and Surplus Operations, 2221 Forster Street, Harrisburg, PA  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Larry M. Davis, (717) 787-6148, Ext. 3210

**SP 373910** Vendor to supply services for repairs and maintenance on ten forklifts and seven hand trucks for the Federal and State Surplus Distribution Centers for Fiscal Year July 1, 1998 and ending June 30, 1999. Vendor will indicate hourly rate for labor and cost for parts.

**Department:** General Services  
**Location:** Bureau of Supplies and Surplus Operations, 2221 Forster Street, Harrisburg, PA  
**Duration:** July 1, 1998 to June 30, 1999  
**Contact:** Larry M. Davis, (717) 787-6148, Ext. 3210

**SP Bid No. 9801** Machine shop repairs for equipment, machines and structures.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July 01, 1998 to June 30, 2001  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**SP Bid No. 9802** Repair and maintenance of automatic pinsetting machines.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July 01, 1998 to June 30, 2001  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**Miscellaneous—39**

**040101** Provide five portable toilets (two ladies, two men and one A.D.A. accessible) for rest area site 54, Interstate 81 Southbound, Luzerne County. All units to be cleaned and stocked daily. Five additional units to be available on holiday weekends. Requests for bids 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.

**Department:** Transportation  
**Location:** Luzerne County (0430), Nuangola Rest Area, PA  
**Duration:** May 1, 1998 through October 2, 1998  
**Contact:** Norman J. Oravec, (717) 963-4048

**356437** Provide interpretation services in sign language (American) for the hearing impaired hospital patients in order for the patient to understand civil commitment hearings and rights and to assist at treatment team meetings. Service to be on an as needed basis scheduled in advance. The General and Legal Interpretation services are approximately 2 hours long.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1998 through June 30, 2001, a period of 3 years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**5300/20100** Boat Auction, consisting of used boats, motors, trailers and boating accessories. Date: May 9, 1998 (rain or shine), 9 a.m. to noon preview, auction starts at noon. Location: Fort Indiantown Gap, Lebanon County. Terms of Sale: Full payment in cash or by a Pennsylvania personal check. No credit cards will be accepted. 9.45% buyer's premium for all sales and 6% sales tax will be collected. All sales are final. Individuals interested in receiving a detailed list of the items to be auctioned should send a self-addressed, stamped envelope to: PA Fish and Boat Commission, Bureau of Law Enforcement, Boat Auction, P. O. Box 67000, Harrisburg, PA 17106-7000.

**Department:** Fish and Boat Commission  
**Location:** Fort Indiantown Gap, Lebanon County, PA  
**Duration:** May 9, 1998  
**Contact:** Tom Kamerzel, (717) 657-4542

**L&I-5-98** Microfilming services: microfilm blueprints. Roll microfilm is to be provided. Pickup and delivery of blueprints and rolls, and guaranteed destruction of blueprints after they are filmed. Duplicate roll microfilm will also be required.

**Department:** Labor and Industry  
**Location:** Bureau of Occupational and Industrial Safety, Room 1529 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120  
**Duration:** July 1, 1998 through June 30, 2000  
**Contact:** Sheritta A. Richardson, (717) 787-3323

**PGC-2574** This shall be a labor contract to erect high tensile electrified fencing in compliance with the methods, configurations and specifications found in PA Game Commission manual "Electric Deer/Elk Deterrent Fence Instructions: Agricultural Fencing (permanent)." All materials are supplied. This contract would be for labor only.

**Department:** Game Commission  
**Location:** 6 regions as specified in the Invitation to Bid  
**Duration:** Minimum of 1 year  
**Contact:** Thomas R. Littwin, Chief, Support Services, (717) 783-6528

[Pa.B. Doc. No. 98-715. Filed for public inspection May 1, 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 CONTRACT INFORMATION

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
0007-01	05/01/98	Alling and Cory Company	335,690.00
0007-01	05/01/98	Xpedx/ Harrisburg Division	1,169,537.68
0007-01	05/01/98	Unisource	578,175.00
1535157-01	04/21/98	C. M. Eichenlaub Co.	38,972.00
1629117-01	04/21/98	Edward Don & Co.	20,928.00
1746237-01	04/21/98	Bruce V. Earle, Inc.	22,241.77
6850-04	05/01/98	Pitt Penn Oil Co.	80,778.54

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
6850-04	05/01/98	Paul H. Krug- gel	98,925.90
7530-08	05/01/98	School Specialty Chaselle Div.	710,603.00
8234620-01	04/21/98	CWS Co.	2,104.00
8234620-02	04/21/98	Component Technology Division of Certified Power, Inc.	336.00
8234620-03	04/21/98	Florig Equip- ment Co., Inc.	141,458.00
8234620-04	04/21/98	Allied Hydraul- lic Service Co.	23,343.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 98-716. Filed for public inspection May 1, 1998, 9:00 a.m.]