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PENNSYLVANIA BULLETIN

Volume 26

Number 20

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

No. 258, May 1996

PENNSYLVANIA

BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

SUBSCRIPTION INFORMATION: (717) 766-0211
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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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THE GOVERNOR

GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 1996-3]

Governor's Advisory Commission on African American Affairs

April 19, 1996

Whereas, the history of African Americans in Pennsylvania reflects a diverse and unique blend of cultural, social, and economic influences which have had and continue to have a beneficial impact on life in this Commonwealth; and

Whereas, African American citizens nonetheless continue to encounter difficulty in gaining access to avenues of economic development, including access to capital for business formation, to educational opportunities necessary for effective business development and growth, and to established networking relationships, as well as to innovative techniques designed to encourage and promote minority business ownership; and

Whereas, despite the numerous gains achieved over the years which have resulted in increased access to political, economic, and institutional systems, expanded opportunities in education and employment, and the passage and enforcement of important antidiscrimination legislation, African Americans are still confronted with systemic conditions which disproportionately affect this segment of our population adversely; and

Whereas, these conditions, which are prevalent in the African American community and affect the welfare and integrity of all of the citizens of our Commonwealth, require a forum within which the unique needs and issues of concern for our African American citizens can be articulated and addressed.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish, in the Office of the Governor, the Governor's Advisory Commission on African American Affairs (hereinafter referred to as "Commission") as the Commonwealth's advocate agency for its African American citizens as hereinafter set forth.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter YY. GOVERNOR'S ADVISORY COMMISSION ON AFRICAN AMERICAN AFFAIRS

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5.708.	Rescission.

§ 5.701. Functions.

The functions of the Commission shall be to:

(1) Advise the Governor on policies, procedures, legislation and regulations which affect the African American community and which will enable the Commonwealth to be responsive to the needs of the African American community. The areas to be examined include, but are not limited to:

(i) The accelerating rate of poverty among African American children.

(ii) The growing number of households headed by single African American females.

(iii) The high incidence of Black on Black crime.

(iv) The low business formation rate by African American citizens of the Commonwealth.

(v) The high levels of drug and alcohol addiction, abuse and crime in the African American community.

(vi) The high mortality rates for African Americans and access to quality health care.

(vii) The high proportion of African American males in the penal institutions.

(viii) The high dropout rate of African American students and the declining presence of the African American male in institutions of higher education.

(2) Develop, review and recommend to the Governor policies to prevent and eradicate racial discrimination in the areas of health and human services, housing, education, employment, business formation and development, public accommodations, and in contracting practices and procedures.

(3) Provide appropriate assistance and advice to the Pennsylvania Minority Business Development Authority, as may be necessary, to assist the authority in its statutory duties and functions as the principal State agency for the promotion and encouragement of minority economic development within the Commonwealth.

(4) Serve as a liaison to Federal, State and local agencies to ensure that programs affecting African Americans are effectively utilized and that benefits accrue equitably to members of the African American community.

(5) Work with the Governor's Office and the African American community to promote legislation which ensures the equitable treatment of all citizens of the Commonwealth.

(6) Serve as a resource for community groups on African American issues, programs, sources of funding and compliance requirements within State government for the benefit and advancement of African Americans.

(7) Assist local African American community groups in developing strategies and programs which will expand and enhance the social, cultural and economic status of the African American community.

(8) Work with the Bureau of Affirmative Action to strengthen the enforcement of the Commonwealth's antidiscriminatory hiring, retention and promotion policies.

(9) Promote the cultural arts in their various forms within the African American community through coordinated efforts and advocacy.

§ 5.702. Composition of the Commission.

(a) The Commission shall consist of 15 members to be appointed by the Governor who are representatives of the Commonwealth's African American community.

(b) The Governor will designate one Commission member to serve as chairperson and one to serve as vice-chairperson of the Commission. The chairperson and vice-chairperson shall serve at the pleasure of the Governor.

(c) The Governor will appoint an Executive Director and a Deputy Executive Director of the Commission who will serve at the Governor's pleasure.

§ 5.703. Terms of membership.

(a) Members will be appointed for a term of 2 years. All members shall serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, a successor may be appointed by the Governor to serve the duration of the unexpired term. A successor so appointed may thereafter be reappointed.

§ 5.704. Compensation.

Members of the Commission will not receive compensation for their service except that the members may be reimbursed for actual travel and related expenses in accordance with Commonwealth policy.

§ 5.705. Relationship with other agencies.

To implement the purpose of this subchapter, the Commission may request and receive from any department, division, board, bureau, commission or any other agency of the State or any political subdivision thereof or public authority, cooperation, assistance, information and data needed by the Commission to properly carry out its powers and duties hereunder.

§ 5.706. Reports.

The Commission shall submit reports, as it deems necessary, on issues affecting African Americans in this Commonwealth.

§ 5.707. Procedures.

(a) The Commission is authorized to establish subcommittees and rules and procedures for the effective implementation of its functions consistent with this order.

(b) The Commission may hold public hearings in order to evaluate the effectiveness of Commonwealth services and programs to the African American community.

§ 5.708. Rescission.

Executive Order 1991-7 under this subchapter is rescinded.

Governor

Fiscal Note: GOV 96-3. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 96-796. Filed for public inspection May 17, 1996, 9:00 a.m.]

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 1996-4]

Governor's Advisory Commission on Latino Affairs

April 19, 1996

Whereas, the character of Pennsylvania has been shaped by the various religious, ethnic, and National groups which have settled within its boundaries and this diversity is the very fiber that has allowed us to grow, prosper, and succeed as a Commonwealth; and

Whereas, as one of the fastest growing communities in the Commonwealth, the Latino community has had a positive impact upon business and industry and has enhanced Pennsylvania through culture, creativity, and innovation; and

Whereas, the Latino community must be given the opportunity to continue to grow and prosper within our boundaries. Concomitantly, the Commonwealth must protect this important community against discrimination, provide Latino children with the opportunity to receive the best education possible, and increase economic development and employment possibilities in order to help enhance the social and economic status of the Latino community in Pennsylvania.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish the Governor's Advisory Commission on Latino Affairs (hereinafter referred to as the "Commission") as the Commonwealth's advocate agency for its Latino citizens as hereinafter set forth.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter T. GOVERNOR'S ADVISORY COMMISSION ON LATINO AFFAIRS

§ 5.212. Functions.

The functions of the Commission shall be to:

(1) Make recommendations to the Governor on policies, procedures and legislation that would enhance the status of the Latino community in Pennsylvania.

(2) Serve as the Governor's liaison to the Latino community on policies, procedures, legislation and regulations which affect the Latino community in order to ensure that State government is accessible, accountable and responsive to the Latino community.

(3) Serve as a resource to all departments, commissions and agencies to ensure that they are cognizant of the needs of the Latino community and that this community benefits in an equitable fashion from their respective services and programs.

(4) Assist local Latino communities in developing strategies and programs which will enhance their social and economic status.

(5) Work with the administration to monitor the hiring, retention and promotion practices of the Commonwealth as they relate to the employment of Latinos in order to ensure that there are no discriminatory employment practices within the Commonwealth.

§ 5.213. Composition of the Commission.

(a) The Commission shall consist of 15 members to be appointed by the Governor who are representatives of the Commonwealth's Latino community.

(b) The Governor will appoint an Executive Director of the Commission.

(c) The Governor will designate one Commission member to serve as chairperson of the Commission.

§ 5.214. Terms of membership.

(a) Members will be appointed for a term of 2 years. All members shall serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, a successor may be appointed by the Governor to serve the duration of the unexpired term. A successor so appointed may thereafter be reappointed.

§ 5.215. Compensation.

Members of the Commission will not receive compensation for their service except that the members may be reimbursed for actual travel and related expenses in accordance with Commonwealth policy.

§ 5.216. Relationship with other agencies.

To implement the purpose of this subchapter, the Commission may request and receive from any department, division, board, bureau, commission or any other agency of the State or any political subdivision thereof or public authority, cooperation, assistance, information and data needed by the Commission to properly carry out its powers and duties hereunder.

§ 5.217. Reports.

The Commission shall submit reports, as it deems necessary, on issues affecting the Latino community in this Commonwealth.

§ 5.218. Procedure.

The Commission is authorized to establish subcommittees and rules and procedures for the effective implementation of its functions consistent with this order.

§ 5.219. Rescission.

Executive Order 1989-1 under this subchapter is rescinded.

Governor

Fiscal Note: GOV 96-4. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 96-797. Filed for public inspection May 17, 1996, 9:00 a.m.]

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 1996-2]

Implementation of the IMPACCT Commission Recommendations

April 19, 1996

Whereas, on March 9, 1995, the Improve Management and Cost Control Task Force (IMPACCT) was established to review the operations of State government and to recommend the means by which Pennsylvania government can become more efficient and less costly; and

Whereas, the IMPACCT Commission has completed its work and identified over 400 opportunities for change in the way State government conducts its business that are efficient and less costly; and

Whereas, in order to make State government more efficient and less costly, Pennsylvania must become a job friendly State with quality, results oriented education; must take a new approach to environmental issues; must establish and maintain a first rate infrastructure; and must provide quality government which is user friendly and customer focused; and

Whereas, in order for Pennsylvania to be a leader among states and a competitor among nations, State government must quickly adapt to the ever changing National and global circumstances and position itself to be a proactive partner with the public and business communities; and

Whereas, only through an aggressive and well focused effort to streamline and refocus State government can we hope to make State government more efficient and less costly.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Privatize Retain Innovate Modify and Eliminate (PRIME) Council (hereinafter referred to as "PRIME Council") to coordinate the implementation of as many of the recommendations contained in the IMPACCT Commission's final report as shall be deemed appropriate, and to review those areas of State government which, due to time and other constraints, were not included in the report.

Annex A
TITLE 4. ADMINISTRATION
PART I. GOVERNOR'S OFFICE
CHAPTER 5. COUNCILS AND COMMITTEES
Subchapter JJJ. IMPLEMENTATION OF THE IMPACCT
COMMISSION RECOMMENDATIONS

Sec.	
5.891.	Purpose of the PRIME Council.
5.892.	Responsibilities.
5.893.	Composition of the PRIME Council.
5.894.	Terms of membership.
5.895.	Compensation.
5.896.	Cooperation of State agencies.
5.897.	Staff.

§ 5.891. Purpose of the PRIME Council.

The purpose of the PRIME Council shall be to coordinate the reengineering of State government in order to make State government more efficient and less costly.

§ 5.892. Responsibilities.

The PRIME Council's specific duties will include:

- (1) Offering advice and assistance in prioritizing the recommendations of the IMPACCT Commission's report and recommendations.
- (2) Providing advice and assistance in the review of agency action plans and in the implementation of specific Commonwealth reengineering initiatives.
- (3) Assisting in the further review of areas of State government which were not reviewed by the IMPACCT Commission.

§ 5.893. Composition of the PRIME Council.

The PRIME Council shall consist of the following members, all of whom will be appointed by and serve at the pleasure of the Governor:

- (1) The Lieutenant Governor, who shall serve as chairperson, and who shall be responsible for the day-to-day management of the reengineering efforts and other duties in order to ensure the successful completion of the PRIME Council's efforts.
- (2) Other individuals as the Governor may appoint.

§ 5.894. Terms of membership.

Members shall serve terms of 1 year and shall continue to serve thereafter until their successors have been appointed. If a vacancy occurs during a member's term, the Governor will appoint a successor.

§ 5.895. Compensation.

Members of the PRIME Council will not receive compensation for their services. Members who are not employees of the Commonwealth shall be reimbursed for expenses incurred in serving the PRIME Council in accordance with established Commonwealth policy.

§ 5.896. Cooperation by State agencies.

All agencies under the Governor's jurisdiction shall cooperate fully with the PRIME Council and provide staff assistance and information as needed by the PRIME Council to carry out its functions effectively:

- (1) All agencies are further directed to establish internal innovation teams which will be responsible for implementing reengineering efforts. The Lieutenant Governor will be responsible for establishing fair and timely procedures for the preparation, submittal, review, implementation and monitoring of agency and multi-agency reengineering plans.
- (2) All agencies will, when appropriate, provide resources to analyze and design initiatives to implement reengineering recommendations which involve one or more agencies.

§ 5.897. Staff.

The Office of the Lieutenant Governor, Office of General Counsel, Office of Administration, Office of the Budget and the Governor's Policy Office shall provide personnel, equipment and resources as may be required for the functioning of the PRIME Council.

Governor

Fiscal Note: GOV 96-2. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 96-798. Filed for public inspection May 17, 1996, 9:00 a.m.]

PROCLAMATION

Constitutional Amendment—Article I

Whereas, Joint Resolution No. 1 of 1994 proposed to amend Article I, Section 9 of the Constitution of Pennsylvania, changing provisions relating to the right of confrontation of the accused in a criminal prosecution to read as follows:

“§ 9. Rights of accused in criminal prosecutions.

In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself. Notwithstanding the provisions of this section, the General Assembly may by statute provide for the manner of testimony of child victims or child material witnesses in criminal proceedings, including the use of videotaped depositions or testimony by closed-circuit television;” and

Whereas, Joint Resolution No. 1 of 1994 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

Whereas, in the General Assembly next afterwards chosen, the aforesaid amendment to Article I, Section 9 of the Constitution of Pennsylvania was proposed in Joint Resolution No. 1 of 1995, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

Whereas, the aforesaid proposed amendment to Article I, Section 9 of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at an election held on November 7, 1995; and

Whereas, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article I, Section

9 of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

Whereas, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating whether or not the proposed amendment to Article I, Section 9 of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon.

Now Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article I, Section 9 of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on November 7, 1995.

Given under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this twentieth day of March in the year of our Lord one thousand nine hundred and ninety-six, and of the Commonwealth the two hundred and twentieth.

Governor

[Pa.B. Doc. No. 96-799. Filed for public inspection May 17, 1996, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE New Rules of Procedure; Doc. No. 1 JD 94

Order

And Now, this 7th day of May, 1996, pursuant to Article V, Section 18(b)(4) of the Constitution of Pennsylvania, and in accordance with this Court's Order of March 27, 1996, proposing to adopt new Rule 113, the Court of Judicial Discipline hereby adopts new Rule 113, in the following form, effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

Rule 113. Lodging of Transcripts.

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

By the Court

JOSEPH F. MCCLOSKEY,
President Judge

[Pa.B. Doc. No. 96-800. Filed for public inspection May 17, 1996, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 1500]

Proposed Amendments to Chapter 1500

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the rules in Chapter 1500 (Post-Conviction Collateral Proceedings) to align the Chapter with recent amendments to the Post Conviction Relief Act, Act 1995-32(SS1),¹ 42 Pa.C.S. §§ 9542—9546, effective January 16, 1996.

The following explanatory Report highlights the issues considered in formulating this proposal. As such, the Report should not be confused with the official Committee

¹ A copy of Act 1995-32(SS1) has been included as an Appendix to this Report.

Comments to the rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the explanatory *Reports*.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel: Anne T. Panfil, Chief Staff Counsel, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, no later than June 21, 1996.

By the Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1500. POST-CONVICTION COLLATERAL PROCEEDINGS

Committee Note: The rules in this Chapter apply to capital and noncapital cases under the Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9542—9546, as amended by Act 1995-32 (SS1), effective January 16, 1996. They do not apply to proceedings under the Capital Unitary Review Act, 42 Pa.C.S. §§ 9570—9579.

Rule 1501. Initiation of Post-Conviction Collateral Proceedings.

(1) A petition for post-conviction collateral relief shall be filed within one year of the date the judgment becomes final, except as otherwise provided by statute.

(2) A proceeding for post-conviction collateral relief shall be initiated by filing a [**motion**] petition and 3 copies with the clerk of the court in which the defendant was convicted and sentenced. The [**motion**] petition shall be verified by the defendant.

Official Note: Previous Rule 1501 adopted January 24, 1968, effective August 1, 1968; amended November 25, 1968, effective February 3, 1969; amended February 15, 1974, effective immediately; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded November 9, 1984, effective January 2, 1985. Former Rule 1501 adopted November 9, 1984, effective January 2, 1985; rescinded February 1, 1989, effective July 1, 1989; and replaced by present Rule 1502. Present Rule 1501 adopted February 1, 1989, effective July 1, 1989; amended March 22, 1993, effective January 1, 1994; amended _____, effective _____.

Comment

The rules in Chapter 1500 govern proceedings to obtain relief authorized by the Post Conviction Relief Act, 42 Pa.C.S. § 9451 et seq. (**hereinafter PCRA**).

By statute, a court may not entertain a request for any form of relief in anticipation of the filing of a petition for post-conviction collateral relief. 42 Pa.C.S. § 9545(a).

The [**motion**] petition for post-conviction relief under these rules is not intended to be a substitute for or a limitation on the availability of appeal or a post-sentence motion. See Pa.[**Rs**] **R.Crim.P. [320 and]** 1410. Rather, the Chapter 1500 Rules are intended to require that, in a single proceeding, the defendant must raise and the judge must dispose of all grounds for relief available

after conviction, and exhaustion of the appellate process, either by affirmance or by the failure to take a timely appeal.

Under the 1995 amendments to the PCRA, no discovery is permitted at any stage of the proceedings, except upon leave of the court with a showing of exceptional circumstances. 42 Pa.C.S. § 9545(d)(2).

As used in the Chapter 1500 Rules, “[**motion**] **petition**” for post-conviction collateral relief” and “[**motion**] **petition**” are intended to include an amended [**motion**] **petition** filed pursuant to Rule 1505, except where the context indicates otherwise.

Under the 1995 amendments to the PCRA, a petition for post-conviction relief, including second and subsequent petitions, must be filed within one year of the date the judgment becomes final, 42 Pa.C.S. § 9545(b)(1), unless one of the statutory exceptions applies, see 42 Pa.C.S. § 9545(b)(1)(i)–(iii). Any petition invoking one of these exceptions must be filed within 60 days of the date the claim could have been presented. 42 Pa.C.S. § 9545(b)(2).

The 1995 amendments to the PCRA apply to petitions filed on or after January 16, 1996. A petitioner whose judgment has become final on or before the effective date of the Act is deemed to have filed a timely petition under the Act if the first petition is filed within one year of the effective date of the Act. See sections 3 and 4 of Act 1995-32(SS1).

For the purposes of the PCRA, a judgment becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review. 42 Pa.C.S. § 9545(b)(3).

Committee Explanatory Reports:

Final Report explaining the March 22, 1993 amendments published with the Court’s Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the _____, 1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).

Rule 1502. Content of [**Motion**] **Petition** for Post-Conviction Collateral Relief.

(a) A [**motion**] **petition** for post-conviction collateral relief shall bear the caption, number, and court term of the case or cases in which relief is requested and shall contain substantially the following information:

* * * * *

(13) whether any of the grounds for the relief requested were raised before, and if so, at what stage of the case; [**and**]

(14) a verification by the defendant that the facts set forth in the [**motion**] **petition** are true and correct to the best of the defendant’s personal knowledge or information and belief and that any false statements therein are made subject to the penalties [**of Section 4904**] of the Crimes Code, [()18 Pa.C.S. § 4904()], relating to unsworn falsification to authorities; **and**

(15) if applicable, any request for an evidentiary hearing. The request for an evidentiary hearing shall include a signed certification as to each in-

tended witness stating the witness’s name, address, and date of birth, and the substance of the witness’s testimony. Any documents material to the witness’s testimony shall also be included in the petition.

The [**motion**] **petition** may, but need not, include concise argument or citation and discussion of authorities.

(b) Each ground relied upon in support of the relief requested shall be stated in the [**motion**] **petition**. Failure to state such a ground in the [**motion**] **petition** shall preclude the defendant from raising that ground in any [**subsequent**] proceeding for post-conviction collateral relief [**under these rules**].

(c) The defendant shall state in the [**motion**] **petition** the name and address of the attorney who will represent the defendant in the post-conviction collateral proceeding. If the defendant is unable to afford or otherwise procure counsel, and wants counsel appointed, the defendant shall so state in the [**motion**] **petition** and shall request the appointment of counsel.

(d) The defendant shall attach to the [**motion**] **petition** any affidavits, records, documents, or other evidence which show the facts stated in support of the grounds for relief, or the [**motion**] **petition** shall state why they are not attached.

Official Note: Previous Rule 1502 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989; and replaced by present Rules 1503 and 1505. Present Rule 1502 adopted February 1, 1989, effective July 1, 1989; amended _____; effective _____.

Comment

[This rule is derived from former Rule 1501.]

Pursuant to paragraph (a)(6), the [**motion**] **petition** should include specific information about the sentence imposed, including **whether the defendant is currently serving a sentence of imprisonment or probation for the crime; awaiting execution of a sentence of death for the crime; or serving a sentence which must expire before the defendant may commence serving the disputed sentence;** the minimum and maximum terms of the sentence[,]; the amount of fine **or restitution**, if any[,]; and whether the defendant is released on [**probation or**] parole. See [**also, Section 9543(a) of the PostConviction Relief Act,**] 42 Pa.C.S. § 9543(a) [**(Supp 1988)**].

[Section] Sections 9543(a)(2), (3), and (4) of the PostConviction Relief Act, [()42 Pa.C.S. § 9543(a)(2), (3), and (4), (Supp. 1988) requires] require that to be eligible for relief, the defendant must plead and prove by a preponderance of the evidence **all of** the following:

[1. “That the conviction or sentence resulted from one or more of the following:

(I) A violation of the constitution of Pennsylvania or laws of this Commonwealth or the constitution of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(II) Ineffective assistance of counsel which, in the circumstances of the particular case, so under-

mined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(III) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused an individual to plead guilty.

(IV) The improper obstruction by Commonwealth officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.

(V) A violation of the provisions of the constitution, law or treaties of the United States which would require the granting of federal habeas corpus relief to a state prisoner.

(VI) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and that would have affected the outcome of the trial if it had been introduced.

(VII) The imposition of a sentence greater than the lawful maximum.

(VIII) A proceeding in a tribunal without jurisdiction."

2. "That the allegation of error has not been previously litigated and one of the following applies:

(I) The allegation of error has not been waived.

(II) If the allegation of error has been waived, the alleged error has resulted in the conviction or affirmation of sentence of an innocent individual.

(III) If the allegation of error has been waived, the waiver of the allegation of error during pre-trial, trial, post-trial or direct appeal proceedings does not constitute a state procedural default barring federal habeas corpus relief."

3. "That the failure to litigate the issue prior to or during trial or on direct appeal could not have been the result of any rational strategic or tactical decision by counsel."]

(2) That the conviction or sentence resulted from one or more of the following:

(i) A violation of the constitution of this Commonwealth or the constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(ii) Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(iii) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent.

(iv) The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.

(v) A violation of the provisions of the Constitution, law or treaties of the United States which would require the granting of Federal habeas corpus relief to a State prisoner.

(vi) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.

(vii) The imposition of sentence greater than the lawful maximum.

(viii) A proceeding in a tribunal without jurisdiction.

(3) That the allegation of error has not been previously litigated or waived.

(4) That the failure to litigate the issue prior to or during trial, during unitary review or on direct appeal could not have been the result of any rational, strategic or tactical decision by counsel.

Under the 1995 amendments to the PCRA, no discovery is permitted at any stage of the proceedings, except upon leave of the court with a showing of exceptional circumstances. 42 Pa.C.S. § 9545(d)(2).

It is expected that a form [motion] petition will be prepared incorporating the required contents set forth herein which will be available for distribution to uncounseled defendants. This rule is not intended to require an attorney to use a printed form or any other particular format in preparing a [motion] petition or an amended [motion] petition for post-conviction collateral relief, provided, of course, that the attorney must include in a [motion] petition or amended [motion] petition substantially all of the information set forth in this rule.

The [motion] petition should be typewritten or legibly handwritten.

Committee Explanatory Reports:

Report explaining the _____, 1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).

Rule 1503. Docketing and Assignment.

(a) Upon receipt of a [motion] petition for post-conviction collateral relief, the clerk of court shall immediately docket the [motion] petition to the same term and number as the underlying conviction and sentence. The clerk shall thereafter transmit the [motion] petition and the record to the trial judge, if available, or to the administrative judge, if the trial judge is not available. If the defendant's confinement is by virtue of multiple indictments and sentences, the case shall be docketed to the same term and number as the indictment upon which the first unexpired term was imposed, but the court may take judicial notice of all proceedings related to the multiple indictments.

(b) When the [motion] petition is filed and docketed, the clerk shall transmit a copy of the [motion] petition to the attorney for the Commonwealth.

(c) The trial judge, if available, shall proceed with and dispose of the [motion] petition in accordance with these rules, unless the judge determines, in the interests of justice, that he or she should be disqualified.

(d) When the trial judge is unavailable or disqualified, the administrative judge shall promptly assign and transmit the [motion] petition and the record to another judge, who shall proceed with and dispose of the [motion] petition in accordance with these rules.

Official Note: Previous Rule 1503 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989; and replaced by present Rule 1504. Present Rule 1503 adopted February 1, 1989, effective July 1, 1989; **amended** _____, **effective** _____.

Comment

[This rule replaces paragraphs (a) and (b) of former Rule 1502.]

As used in this rule, "trial judge" is intended to include the judge who accepted a plea of guilty or nolo contendere.

The transmittal of the [**motion**] **petition** to the attorney for the Commonwealth does not require a response unless one is ordered by the judge as provided in these rules.

Committee Explanatory Reports:

Report explaining the _____, **1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).**
Rule 1504. Appointment of Counsel; *In Forma Pauperis*.

(a) When an unrepresented defendant satisfies the judge that the defendant is unable to afford or otherwise procure counsel, the judge shall appoint counsel to represent the defendant on the defendant's first [**motion**] **petition** for post-conviction collateral relief.

(b) On a second or subsequent [**motion**] **petition**, when an unrepresented defendant satisfies the judge that the defendant is unable to afford or otherwise procure counsel, and an evidentiary hearing is required as provided in Rule 1508, the judge shall appoint counsel to represent the defendant.

(c) The judge shall appoint counsel to represent a defendant whenever the interests of justice require it.

(d) An appointment of counsel shall be effective throughout the post-conviction proceedings, including any appeal from disposition of the [**motion**] **petition** for post-conviction collateral relief.

(e) When a defendant satisfies the judge that the defendant is unable to pay the costs of the post-conviction collateral proceedings, the judge shall order that the defendant be permitted to proceed in forma pauperis.

Official Note: Previous Rule 1504 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989; and replaced by Rule 1507. Present Rule 1504 adopted February 1, 1989, effective July 1, 1989; **amended** _____, **effective** _____.

Comment

[This rule replaces former Rule 1503.]

If a defendant seeks to proceed without an attorney, the court may appoint standby counsel. See Rule 318.

Consistent with Pennsylvania post-conviction practice under former Rules 1503 and 1504, it is intended that counsel be appointed in every case in which a defendant has filed a [**motion**] **petition** for post-conviction collateral relief for the first time and is unable to afford counsel or otherwise procure counsel. However, the rule now limits appointment of counsel on second or subsequent [**motion**] **petitions** so that counsel should be

appointed only if the judge determines that an evidentiary hearing is required. Of course, the judge has the discretion to appoint counsel in any case when the interests of justice require it.

A PCRA petition filed after final disposition under the Capital Unitary Review Act, 42 Pa.C.S. §§ 9570—9579, constitutes a second petition.

Committee Explanatory Reports:

Report explaining the _____, **1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).**

Rule 1505. Amendment and Withdrawal of [**Motion**] **Petition** for Post-Conviction Collateral Relief.

(a) The judge may grant leave to amend or withdraw a [**motion**] **petition** for post-conviction collateral relief at any time. Amendment shall be freely allowed to achieve substantial justice.

(b) When a [**motion**] **petition** for post-conviction collateral relief is defective as originally filed, the judge shall order amendment of the [**motion**] **petition**, indicate the nature of the defects, and specify the time within which an amended [**motion**] **petition** shall be filed. If the order directing amendment is not complied with, the [**motion**] **petition** may be dismissed without a hearing.

(c) Upon the entry of an order directing an amendment, the clerk of [**court**] **courts** shall serve a copy of the order on the defendant, the defendant's attorney, and the attorney for the Commonwealth.

(d) All amended [**motions**] **petitions** shall be in writing, shall comply substantially with Rule 1502, and shall be filed and served within the time specified by the judge in ordering the amendment.

Official Note: Previous Rule 1505 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989; and replaced by Rules 1506(b), 1508(a), and present Rule 1505(c). Present Rule 1505 adopted February 1, 1989, effective July 1, 1989; **amended** _____, **effective** _____.

Comment

[This rule replaces paragraph (a) of former Rule 1505 and paragraph (c) of former Rule 1502.]

"Defective," as used in paragraph (b), is intended to include [**motions**] **petitions** that are inadequate, insufficient, or irregular for any reason; for example, [**motions**] **petitions** that lack particularity; [**motions**] **petitions** that do not comply substantially with Rule 1502; [**motions**] **petitions** that appear to be patently frivolous; [**motions**] **petitions** that do not allege facts which would support relief; [**motions**] **petitions** that raise issues the defendant did not preserve properly or were finally determined at prior proceedings.

When an amended [**motion**] **petition** is filed pursuant to paragraph (d), it is intended that the clerk of courts transmit a copy of the amended [**motion**] **petition** to the attorney for the Commonwealth. This transmittal does not require a response unless one is ordered by the judge as provided in these rules. See Rules 1503 and 1506.

Committee Explanatory Reports:

Report explaining the _____, 1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).

Rule 1506. Answer to [Motion] Petition for Post-Conviction Collateral Relief.

(a) An answer to a [motion] petition for post-conviction collateral relief is not required unless ordered by the judge. When the judge has not ordered an answer, the attorney for the Commonwealth may elect to answer, but the failure to file one shall not constitute an admission of the well-pleaded facts alleged in the [motion] petition.

* * * * *

Official Note: Previous Rule 1506 adopted January 24, 1968, effective August 1, 1968; Comment revised April 26, 1979, effective July 1, 1979; rule rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; Comment revised January 28, 1983, effective July 1, 1983; rule rescinded February 1, 1989, effective July 1, 1989; and replaced by Rule 1508. Present Rule 1506 adopted February 1, 1989, effective July 1, 1989; amended _____, effective _____.

Comment

As used in the Chapter 1500 Rules, "answer" is intended to include an amended answer filed pursuant to paragraph (d) of this rule, except where the context indicates otherwise.

When determining whether to order that the attorney for the Commonwealth file an answer, the judge should consider whether an answer will promote the fair and prompt disposition of the issues raised by the defendant in the [motion] petition for post-conviction collateral relief. [See Section 9543(B) of the PostConviction Relief Act (42 Pa.C.S. § 9543(B)(Supp. 1988)) which, inter alia, authorizes the dismissal of the motion if "because of delay in filing . . . , the Commonwealth has been prejudiced either in its ability to respond to the petition or in its ability to re-try the petitioner."]

Committee Explanatory Reports:

Report explaining the _____, 1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).

Rule 1507. Disposition Without Hearing.

(a) The judge shall promptly review the [motion] petition, any answer by the attorney for the Commonwealth, and other matters of record relating to the defendant's claim(s). If the judge is satisfied from this review that there are no genuine issues concerning any material fact and that the defendant is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings, the judge shall give notice to the parties of the intention to dismiss the [motion] petition and shall state in the notice the reasons for the dismissal. The defendant may respond to the proposed dismissal within 10 days of the date of the notice. The judge thereafter shall either order the [motion] petition dismissed, or grant leave to file an amended [motion] petition, or direct that the proceedings continue.

(b) A [motion] petition for post-conviction collateral relief may be granted without a hearing when the [motion] petition and answer show that there is no

genuine issue concerning any material fact and that the defendant is entitled to relief as a matter of law.

(c) The judge may dispose of only part of a [motion] petition without a hearing by ordering dismissal of or granting relief on only some of the issues raised, while ordering a hearing on other issues.

(d) When the [motion] petition is dismissed without a hearing, the judge[:] shall issue an order to that effect and shall advise the defendant by certified mail, return receipt requested, of the right to appeal from the final order disposing of the motion and of the time within which the appeal must be taken.

[(1) shall issue an order to that effect and shall state in the order the grounds on which the case was determined; and

(2) shall advise the defendant by certified mail, return receipt requested, of the right to appeal from the final order disposing of the motion and of the time within which the appeal must be taken.]

Official Note: Previous Rule 1507 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; amended January 28, 1983, effective July 1, 1983; rescinded February 1, 1989, effective July 1, 1989; and not replaced. Present Rule 1507 adopted February 1, 1989, effective July 1, 1989; amended _____, effective _____.

Comment

[Previous Rule 1507 was rescinded in 1989 as unnecessary in view of the enactment of the new PostConviction Relief Act, Act 47 of 1988, 42 Pa.C.S. § 9541 et seq. (Supp. 1988). Present Rule 1507 replaces former Rule 1504.]

The judge is permitted, pursuant to paragraph (a), to summarily dismiss a [motion] petition for post-conviction collateral relief in certain limited cases. To determine whether a summary dismissal is appropriate, the judge should thoroughly review the [motion] petition, the answer if any, and all other relevant information that is included in the record. If after this review, the judge determines that the [motion] petition is patently frivolous and without support in the record, or that the facts alleged would not, even if proven, entitle the defendant to relief, or that there are no genuine issues of fact, the judge may dismiss the [motion] petition as provided herein.

A summary dismissal would also be authorized under this rule if the judge determines that a previous [motion] petition involving the same issue or issues was filed and was finally determined adversely to the defendant. See § 9545(b) for the timing requirements for filing second and subsequent petitions. A second or subsequent [motion] petition should be summarily dismissed when the judge determines that the defendant has failed to make a strong prima facie showing that a miscarriage of justice may have occurred. See *Commonwealth v. Lawson*, [____ Pa. ____,] 549 A.2d 107 (Pa. 1988). See also Rule 1504 with regard to the requirements for appointment of counsel in these cases.

Relief may be granted without a hearing under paragraph (b) only after an answer has been filed either voluntarily or pursuant to court order.

Upon disposition without a hearing under this rule, the judge should also comply with Rule 1508(d), to the extent that it reasonably applies.

By statute, a PCRA petition may not be dismissed due to delay in filing except after a hearing on a motion to dismiss. 42 Pa.C.S. § 9543(d). See Rule 1508.

Under the 1995 amendments to the PCRA, an order under that Act denying a petitioner final relief in a case in which the death penalty has been imposed is reviewable only by petition for allowance of appeal to the Supreme Court. 42 Pa.C.S. § 9546(b).

Committee Explanatory Reports:

Report explaining the _____, 1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).

Rule 1508. Hearing.

(a) Except as provided in Rule 1507, the judge shall order a hearing [**on all material issues of fact raised by the motion and answer, if any. The :**

(1) **when the petition for post-conviction relief or the Commonwealth's answer, if any, raise material issues of fact. Provided, however, that the judge may deny a hearing on a specific issue of fact when a full and fair evidentiary hearing upon that issue was held at trial or at any proceeding before or after trial; or**

(2) **whenever the Commonwealth files a motion to dismiss due to the defendant's delay in filing the petition.**

The judge shall schedule the hearing for a time that will afford the parties a reasonable opportunity for investigation and preparation, and shall enter such interim orders as may be necessary in the interests of justice.

(b) The judge, on [**motion**] petition or request, shall postpone or continue a hearing to provide either party a reasonable opportunity, if one did not exist previously, for investigation and preparation regarding any new issue of fact raised in an amended [**motion**] petition or amended answer.

(c) the judge shall permit the defendant to appear in person at the hearing and shall provide the defendant an opportunity to have counsel.

(d) Upon the conclusion of the hearing the judge shall:

(1) determine all material issues raised by the **defendant's [motion] petition and the Commonwealth's answer, or by the Commonwealth's motion to dismiss, if any;**

(2) issue an order denying relief or granting a specific form of relief [**and stating the grounds on which the case was determined,**] and issue any supplementary orders appropriate to the proper disposition of the case [; **and**].

[(3) **state on the record, or issue and serve upon the parties, findings of fact and conclusions of law on all materials issues.**]

(e) If the judge disposes of the case in open court at the conclusion of the hearing, the judge shall advise the defendant on the record of the right to appeal from the final order disposing of the [**motion**] petition and of the time within which the appeal must be taken. If the

case is taken under advisement, the judge shall advise the defendant of the right to appeal by certified mail, return receipt requested.

Official Note: Adopted February 1, 1989, effective July 1, 1989; amended _____, effective _____.

Comment

[This rule replaces former Rule 1506.

With respect to "material issues" as used in this rule, see, e.g., *Commonwealth v. Sullivan*, 472 Pa. 129, 371 A.2d 468 (1977); *Commonwealth v. Rightnour*, 469 Pa. 107, 364 A.2d 927 (1976); *Commonwealth v. Webster*, 466 Pa. 314, 353 A.2d 372 (1975); *Commonwealth v. Hayes*, 462 Pa. 291, 341 A.2d 85 (1975); *Commonwealth v. Dancer*, 460 Pa. 95, 331 A.2d 435 (1975); *Commonwealth v. Slavik*, 449 Pa. 424 A.2d 920 (1972).]

The judge's power, under paragraph (a), to deny a hearing on a specific factual issue is intended to apply when an issue of fact has already been heard fully, but has never been determined. The judge need not rehear such an issue, but would be required to determine it under paragraph (d).

The 1996 amendment to paragraph (a)(1) requires a hearing on every Commonwealth motion to dismiss due to delay in the filing of a PCRA petition. See 42 Pa.C.S. § 9543(b), as amended in 1995.

Under the 1995 amendments to the PCRA, no discovery is permitted at any stage of the proceedings, except upon leave of the court with a showing of exceptional circumstances. 42 Pa.C.S. § 9545(d)(2).

Under other 1995 amendments to the Act, an order under the Act denying a petitioner final relief in a case in which the death penalty has been imposed is reviewable only by petition for allowance of appeal to the Supreme Court. 42 Pa.C.S. § 9546(d).

Committee Explanatory Reports:

Report explaining the _____, 1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).

Rule 1509. Appeal.

An order granting, denying, dismissing, or otherwise finally disposing of a [**motion**] petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.

Official Note: Adopted February 1, 1989, effective July 1, 1989; amended _____, effective _____.

Comment

Disposition without a hearing under Rule 1507(a) and (b) constitutes a final order under this rule. A partial disposition under Rule 1507(c) is not a final order until the judge has fully disposed of all claims.

Under the 1995 amendments to the PCRA, an order under the Act denying a petitioner final relief in a case in which the death penalty has been imposed is reviewable only by petition for allowance of appeal to the Supreme Court. 42 Pa.C.S. § 9546(d).

Committee Explanatory Reports:

Report explaining the _____, 1996 amendments published at 26 Pa.B. 2302 (May 18, 1996).

REPORT

*Amendments to Chapter 1500, Pa.Rs.Crim.P. 1501—1509
Procedures under the Post Conviction Relief Act*

Introduction

In 1995, the Governor signed into law Act 1995-32(SS1), effective January 16, 1996. This Act amends the Post Conviction Relief Act, 42 Pa.C.S. §§ 9542—9546, and creates “unitary review” for death penalty cases under the new Capital Unitary Review Act, 42 Pa.C.S. §§ 9570—9579. Early in 1996, the Committee reviewed Act 1995-32(SS1) and agreed that changes to Chapter 1500 were necessary to align Rules 1501—1509 with the amendments to the Post Conviction Relief Act².

In general, the proposed changes to Chapter 1500 serve two purposes. First, they align the text of the rules and the Comments with the statutory amendments. Second, additional revisions of the Comments alert the bench and bar to several PCRA amendments relating to pleading, discovery, and appellate review.

Discussion of Proposed Rule Changes

1. Committee Note to Chapter 1500

One of the issues raised in our review of Act 1995-32(SS1) was whether and to what degree this proposal should address procedures under the Capital Unitary Review Act. After a lengthy discussion, we concluded that the Rules of Criminal Procedure should continue to implement only the PCRA, and agreed to add a Committee Note after the Chapter title to make it clear that Chapter 1500 does not apply to proceedings under the new Capital Unitary Review Act, 42 Pa.C.S. §§ 9570—9579, but only to capital cases, see, e.g., 42 Pa.C.S. § 9578, and noncapital cases falling under the provisions of the Post Conviction Relief Act, 42 Pa.C.S. §§ 9542—9546.

2. Substitution of “petition” for “motion” throughout Chapter.

When new Chapter 1500 was drafted in 1988, see 38 Pa.B. 4235 (September 17, 1988), the Committee agreed to use the term “motion” throughout Chapter 1500 in accordance with the Court’s express preference for that term. *Id.*, at 4240. After reviewing the rules in Chapter 1500 and the PCRA amendments, the Committee concluded that the use of the term “motion,” while contributing to uniformity in one way, was confusing in light of the PCRA’s consistent use of the word “petition.” For this reason, we are proposing that the term “petition” be used throughout Chapter 1500. In the text of the Rules 1503—1506 and Rule 1509 this is the only change.

3. Rule 1501. Initiation of Post-Conviction Collateral Proceedings.

Present Rule 1501 contains the filing procedures for initiating PCRA proceedings. Because the PCRA, as amended, contains time limits for filing PCRA petitions, 42 Pa.C.S. § 9545(b)(1) and (2), we have added a new paragraph to implement this provision. See Pa.R.Crim.P. 1501(1).

The Comment to Rule 1501 has been expanded to alert the reader to several PCRA amendments related to the initiation of PCRA proceedings.

(a) We have added a cross-reference to 42 Pa.C.S. § 9545(a), which prohibits a court from entertaining a request for any form of relief in anticipation of the filing of a PCRA petition.

² Hereinafter PCRA. A copy of Act 1995-32(SS1) appears in the Appendix to this Report.

(b) In a similar vein, we have added a cross-reference to 42 Pa.C.S. § 9545(d)(2), which prohibits discovery at any stage of the proceedings, except upon leave of court with showing of exceptional circumstances.

(c) Several paragraphs summarize the new PCRA timing requirements.

(1) The Comment refers the reader to the general one-year time limit for petitions filed on or after the effective date of the amendments to the PCRA, 42 Pa.C.S. § 9545(b)(1), and to the exceptions to that requirement, 42 Pa.C.S. § 9545(b)(1)(i)—(iii) and 42 Pa.C.S. § 9545(b)(2).

(2) The Comment also references the timing provision for those petitioners whose judgment became final on or before the effective date of the amendments, i.e., the petition is deemed to have been timely filed if the first petition is filed within one year of the effective date of the Act. See Act 1995-32(SS1), Sections 3 and 4.

(3) Finally, the Comment contains a cross-reference to 42 Pa.C.S. § 9545(b)(3), which provides that, for the purposes of the PCRA, a judgment becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania.

3. Rule 1502. Content of Petition for Post-Conviction Collateral Relief.

The text of Rule 1502, which sets forth in considerable detail the requisite contents of a PCRA petition, has been amended in two ways. First, we have added a new content requirement to implement 42 Pa.C.S. § 9545(d), which requires, if the petitioner wants an evidentiary hearing, that the petitioner include that request in the petition, accompanied by (1) a signed certification as to each intended witness, stating the witness’s name, address, and date of birth, and the substance of the witness’s testimony, and (2) any documents material to the witness’s testimony.

Second, we recommend an amendment to paragraph (b), which currently reads:

Each ground relied upon in support of the relief requested shall be stated in the motion. Failure to state such a ground in the motion shall preclude the defendant from raising that ground *in any subsequent proceeding* for post-conviction collateral relief under these rules. (emphasis added)

We propose to delete the word “subsequent” to make it clearer that if the defendant does not state a ground relied upon in the petition, the defendant may not raise it later in a proceeding on that petition or in a proceeding on any subsequent petition.

The Comment has been revised in several ways.

(a) The present Comment sets forth, verbatim, the pleading requirements contained in 42 Pa.C.S. § 9453(a)(2) prior to the 1995 amendments. We have deleted these paragraphs completely, and have replaced them with the provisions in 42 Pa.C.S. § 9543(a)(2)—(4), as amended in 1995.

(b) The first paragraph, which contains rule history, has been deleted as no longer necessary.

(c) The second paragraph, which discusses the sentencing information required by paragraph (a)(6), has been revised to more completely mirror the statute, 42 Pa.C.S. § 9543(a).

(d) Finally, we have included a reference to the new statutory language prohibiting discovery except upon leave of court with a showing of exceptional circumstances. See 42 Pa.C.S. § 9545(d)(2).

4. Rule 1504. Appointment of Counsel; In Forma Pauperis.

Although no substantive changes have been made to the rule itself, we have added a new paragraph to the Comment to clarify the status of PCRA petitions filed after unitary review.

The right to appointment of counsel under Rule 1504 depends on whether the petitioner is filing a first petition or a second or later petition.³ If an indigent petitioner is filing a first petition, Pa.R.Crim.P. 1504(a) requires the court to appoint counsel. On a second or subsequent petition, however, the judge is only required to appoint counsel if the petitioner is indigent and if an evidentiary hearing is required. Pa.R.Crim.P. 1504(b).

As the Committee reviewed Rule 1504 in the context of Act 1995-32(SS1), a question arose as to the treatment of petitions filed under the PCRA after final disposition under the Capital Unitary Review Act. See 42 Pa.C.S. 9578. Because it can be argued that such petitions are, in a sense, "first" petitions under the PCRA, all other proceedings having been under the Capital Unitary Review Act, the Committee agreed that some clarification was needed. We have therefore added a Comment which states that a PCRA petition filed after final disposition under the Capital Unitary Review Act constitutes a second petition.

5. Rule 1505. Amendment and Withdrawal of Petition for Post-Conviction Collateral Relief.

The first paragraph of the Comment, which contains rule history, has been deleted as no longer necessary. Other changes to the Comment are stylistic only.

6. Rule 1506. Answer to Petition for Post-Conviction Collateral Relief.

In the second paragraph of the Comment, the second sentence has been deleted as more confusing than helpful.

7. Rule 1507. Disposition Without Hearing.

The text of Rule 1507 has been amended to reflect changes in PCRA requirements concerning the content of the court's order dismissing a petition without a hearing.

Present paragraph (d) contains a requirement that when a judge dismisses a petition without a hearing, the judge must state, in the order, the ground "on which the case was determined." Pa.R.Crim.P. 1507(d)(1). This language was originally added to implement a statutory requirement to the same effect. See Committee Report at 18 Pa.B. 4239, 4242 (September 17, 1988). Because the 1995 PCRA amendments deleted this requirement, 42 Pa.C.S. § 9546, the Committee agreed to delete the parallel requirement from the rule.

The Comment to Rule 1507 has been revised in several ways.

(a) The first paragraph containing rule history has been deleted as no longer necessary.

(b) The cross-reference to 42 Pa.C.S. § 9545(b) has been revised to read: "See 42 Pa.C.S. § 9545(b) for the timing requirements for subsequent petitions."

³ For a discussion of the development of this rule, see the Committee explanatory Report, 18 Pa.B. 4239, 4241 (September 17, 1988).

(c) Cross-references to Rule 1508 (Hearing) and to 42 Pa.C.S. § 9543(b) have been added to make it clear that a PCRA petition may be dismissed due to delay in filing only upon a Commonwealth motion to dismiss and after a hearing.

(c) We have added a Comment to alert the bench and bar to the provision of 42 Pa.C.S. § 9546(b), as amended, which states that an order under the PCRA denying a petitioner final relief in a case in which the death penalty has been imposed is reviewable only by petition for allowance of appeal to the Supreme Court.

8. Rule 1508. Hearing.

Present Rule 1508 requires a hearing only on issues of material fact raised by the petition and answer, if any. We have amended paragraph (a) to implement 42 Pa.C.S. § 9543(b), which requires a hearing whenever the Commonwealth moves to dismiss a petition due to the defendant's delay in filing the petition. Pa.R.Crim.P. 1508(a)(2).

Paragraph (d) sets forth the actions which the court must take at the conclusion of a hearing held under the rule.

(a) Paragraph (d)(1) has been amended to make it clear that the judge must determine all issues raised, not only issues raised by the defendant's petition, but also issues raised by the Commonwealth's answer, and issues raised by the Commonwealth's motion to dismiss.

(b) We have deleted the requirement in paragraph (d)(2) that the judge state in the order the grounds on which the case was determined, because this statutory requirement was deleted when the PCRA was amended in 1995. See 42 Pa.C.S. 9546(b).

(c) We have also deleted paragraph (d)(3) because our review of its history revealed that it was an anomaly inadvertently carried over from original Rule 1506, adopted in 1968.

The Comment to Rule 1508 has been revised in several ways.

The first paragraph contains case law concerning what constitutes "material issues" under the rule, and was intended as an aid to the bench and bar when the rule was new. As such, the Committee agreed that it was no longer necessary.

Several new paragraphs highlight the 1995 amendments to the PCRA.

(a) The Comment underscores the statutory requirement that there must be a hearing on every Commonwealth motion to dismiss due to delay in the filing of a PCRA petition. See 42 Pa.C.S. § 9543(b).

(b) The Comment also cross-references the express statutory limitations on discovery. See 42 Pa.C.S. § 9545(d)(2).

(c) Finally, we have added a Comment to alert the bench and bar to the provision of 42 Pa.C.S. § 9546(b), as amended, which states that an order under the PCRA denying a petitioner final relief in a case in which the death penalty has been imposed is reviewable only by petition for allowance of appeal to the Supreme Court.

10. Rule 1509. Appeal.

The Comment has been revised to cross-reference 42 Pa.C.S. § 9546(b), as amended, which states that an order under the PCRA denying a petitioner final relief in a case in which the death penalty has been imposed is reviewable only by petition for allowance of appeal to the Supreme Court.

APPENDIX

Special Session No. 1 of 1995
No. 1995-32

SB 81

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for postconviction relief; and providing for unitary review in death penalty cases.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 9542, 9543, 9544, 9545 and 9546 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 9542. Scope of subchapter.

This subchapter provides for an action by which persons convicted of crimes they did not commit [or] and persons serving [unlawful] illegal sentences may obtain collateral relief [and for an action by which persons can raise claims which are properly a basis for Federal habeas corpus relief]. The action established in this subchapter shall be the sole means of obtaining collateral relief and encompasses all other common law and statutory remedies for the same purpose that exist when this subchapter takes effect, including habeas corpus and coram nobis. This subchapter is not intended to limit the availability of remedies in the trial court or on direct appeal from the judgment of sentence, nor is this subchapter intended to provide a means for raising issues waived in prior proceedings. Except as specifically provided otherwise, all provisions of this subchapter shall apply to capital and noncapital cases.

§ 9543. Eligibility for relief.

(a) General rule.—To be eligible for relief under this subchapter, [a person] the petitioner must plead and prove by a preponderance of the evidence all of the following:

(1) That the [person] petitioner has been convicted of a crime under the laws of this Commonwealth and is:

(i) currently serving a sentence of imprisonment, probation or parole for the crime;

(ii) awaiting execution of a sentence of death for the crime; or

(iii) serving a sentence which must expire before the person may commence serving the disputed sentence.

(2) That the conviction or sentence resulted from one or more of the following:

(i) A violation of the Constitution [of Pennsylvania or laws] of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(ii) Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(iii) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused [an individual] the petitioner to plead guilty and the petitioner is innocent.

(iv) The improper obstruction by [Commonwealth] government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.

(v) A violation of the provisions of the Constitution, law or treaties of the United States which would require the granting of Federal habeas corpus relief to a State prisoner.]

(vi) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and [that] would have [affected] changed the outcome of the trial if it had been introduced.

(vii) The imposition of a sentence greater than the lawful maximum.

(viii) A proceeding in a tribunal without jurisdiction.

(3) That the allegation of error has not been [previously litigated and one of the following applies:

(i) The allegation of error has not been waived.

(ii) If the allegation of error has been waived, the alleged error has resulted in the conviction or affirmance of sentence of an innocent individual.

(iii) If the allegation of error has been waived, the waiver of the allegation of error during pretrial, trial, post-trial or direct appeal proceedings does not constitute a State procedural default barring Federal habeas corpus relief.] previously litigated or waived.

(4) That the failure to litigate the issue prior to or during trial, during unitary review or on direct appeal could not have been the result of any rational, strategic or tactical decision by counsel.

(b) Exception.—Even if the petitioner [meets] has met the requirements of subsection (a), the petition shall be dismissed if it appears at any time that, because of delay in filing the petition, the Commonwealth has been prejudiced either in its ability to respond to the petition or in its ability to re-try the petitioner. A petition may be dismissed due to delay in the filing by the petitioner only after a hearing upon a motion to dismiss. This subsection does not apply if the petitioner shows that the petition is based on grounds of which the petitioner could not have [had knowledge] discovered by the exercise of reasonable diligence before the delay became prejudicial to the Commonwealth.

§ 9544. Previous litigation and waiver.

(a) Previous litigation.—For [the purpose] purposes of this subchapter, an issue has been previously litigated if:

(1) it has been raised in the trial court, the trial court has ruled on the merits of the issue and the petitioner did not appeal;]

(2) the highest appellate court in which the petitioner could have had review as a matter of right has ruled on the merits of the issue; or

(3) it has been raised and decided in a proceeding collaterally attacking the conviction or sentence.

(b) Issues waived.—For [the] purposes of this subchapter, an issue is waived if the petitioner could have raised it but failed to [raise it and if it could have been raised] do so before [the] trial, at [the] trial, during unitary review, on appeal[,] or in a [habeas corpus] prior state postconviction proceeding [or other proceeding actually conducted or in a prior proceeding actually initiated under this subchapter].

§ 9545. Jurisdiction and proceedings.

(a) Original jurisdiction.—Original jurisdiction over a proceeding under this subchapter shall be in the court [in which the conviction was obtained.] of common pleas. No court shall have authority to entertain a request for any form of relief in anticipation of the filing of a petition under this subchapter.

(b) Rules governing proceedings.—The Supreme Court may, by general rule, prescribe procedures to implement the action established under this subchapter but shall not expand, contract or modify the grounds for relief set forth in this subchapter.]

(b) Time for filing petition.—

(1) Any petition under this subchapter, including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves that:

(i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;

(ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or

(iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

(2) Any petition invoking an exception provided in paragraph (1) shall be filed within 60 days of the date the claim could have been presented.

(3) For purposes of this subchapter, a judgment becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and the Supreme Court of Pennsylvania, or at the expiration of time for seeking the review.

(4) For purposes of this subchapter, "government officials" shall not include defense counsel, whether appointed or retained.

(c) Stay of execution.—

(1) No court shall have the authority to issue a stay of execution in any case except as allowed under this subchapter.

(2) Except for first petitions filed under this subchapter by defendants whose sentences have been affirmed on direct appeal by the Supreme Court of Pennsylvania between January 1, 1994, and January 1, 1996, no stay may be issued unless a petition for postconviction relief which meets all the requirements of this subchapter has been filed and is pending and the petitioner makes a strong showing of likelihood of success on the merits.

(3) If a stay of execution is granted, all limitations periods set forth under sections 9574 (relating to answer to petition), 9575 (relating to disposition without evidentiary hearing) and 9576 (relating to evidentiary hearing) shall apply to the litigation of the petition.

(d) Evidentiary hearing.—

(1) Where a petitioner requests an evidentiary hearing, the petition shall include a signed certification as to each intended witness stating the witness's name, address, date of birth and substance of testimony and shall include

any documents material to that witness's testimony. Failure to substantially comply with the requirements of this paragraph shall render the proposed witness's testimony inadmissible.

(2) No discovery, at any stage of proceedings under this subchapter, shall be permitted except upon leave of court with a showing of exceptional circumstances.

(3) When a claim for relief is based on an allegation of ineffective assistance of counsel as a ground for relief, any privilege concerning counsel's representation as to that issue shall be automatically terminated.

§ 9546. Relief and order.

(a) General rule.—If the court [finds] rules in favor of the petitioner, it shall order appropriate relief and issue supplementary orders as to arraignment, retrial, custody, bail, discharge, correction of sentence or other matters that are necessary and proper.

(b) Grounds to be stated.—The order finally disposing of the petition shall state grounds on which the case was determined.

(c) Status of order.—The order constitutes a final judgment for purposes of review.]

(d) Review of order in death penalty cases.—[A final court] An order under this subchapter granting the petitioner final relief in a case in which the death penalty has been imposed shall be directly appealable [only] by the Commonwealth to the Supreme Court pursuant to its rules. An order under this subchapter denying a petitioner final relief in a case in which the death penalty has been imposed shall be reviewable only by petition for allowance of appeal to the Supreme Court.

Section 2. Chapter 95 of Title 42 is amended by adding a subchapter to read:

SUBCHAPTER D

UNITARY REVIEW IN DEATH PENALTY CASES

Sec.	
9570.	Short title of subchapter.
9571.	Scope of subchapter.
9572.	Representation of counsel.
9573.	Time for petition; contents of petition.
9574.	Answer to petition.
9575.	Disposition without evidentiary hearing.
9576.	Evidentiary hearing.
9577.	Disposition and appeal.
9578.	Subsequent petitions.
9579.	Certification.

§ 9570. Short title of subchapter.

This subchapter shall be known and may be cited as the Capital Unitary Review Act.

§ 9571. Scope of subchapter.

(a) Capital unitary review.—This subchapter establishes the sole means of challenging proceedings that resulted in a sentence of death. The unitary review proceeding provided by this subchapter shall replace postappeal collateral review of death penalty cases with preappeal collateral review.

(b) Appointment of collateral counsel.—Under the action provided in this subchapter, a person sentenced to death shall be immediately entitled to new counsel for purposes of collateral review. The collateral proceeding shall occur in the trial court after the imposition of sentence and before appeal. The petitioner may raise any claim that could not have been raised previously, including claims of ineffective assistance of counsel.

(c) Capital appeal.—Direct appeal shall occur after the trial court has concluded collateral review. Claims raised

on direct appeal shall be limited to those claims that were preserved at trial and that may be resolved on the basis of the record created up to and including sentencing. Collateral appeal shall occur simultaneously with direct appeal. Claims raised on collateral appeal shall be limited to claims that were preserved in the collateral proceeding in the trial court and to any other claim that could not have been raised previously, including claims of ineffective assistance of counsel on direct appeal.

(d) Limitation on subsequent petitions.—No further review shall be available except as provided in this subchapter.

(e) Capital case in which death penalty not imposed.—This subchapter does not apply to capital cases in which the death penalty was not imposed.

§ 9572. Representation of counsel.

(a) Collateral counsel.—Immediately after the formal imposition of sentence on all charges or within 30 days of the verdict of the death penalty, whichever occurs later, the court shall appoint new counsel for the purposes of collateral review, unless:

(1) the petitioner has elected to proceed pro se and the court finds, after a colloquy on the record, that the petitioner's election is knowing, intelligent and voluntary; or

(2) the petitioner retains counsel for the unitary review proceeding.

(b) Prior attorney.—No petitioner may be represented on collateral review, either in the trial court or on appeal, by an attorney, whether retained or appointed, who has represented the petitioner at any other stage of the proceedings, including direct appeal, unless the court finds, after a colloquy on the record, that the petitioner has knowingly, intelligently and voluntarily waived his right to challenge the effectiveness of that attorney's representation.

(c) Standards for appointment of counsel.—The Supreme Court shall adopt standards for the appointment of counsel in capital cases. These standards shall apply for the appointment of trial counsel, collateral review counsel and appellate counsel. When adopting the standards, the Supreme Court shall consider, where practicable, the following criteria:

(1) Counsel is admitted to practice in Pennsylvania.

(2) Counsel is an experienced and active trial practitioner with at least five years' litigation experience in the field of criminal law.

(3) Counsel has prior experience as counsel in a specified number of trials or other relevant proceedings.

(4) Counsel is familiar with the practice and procedure of the appropriate courts, including Federal courts of the jurisdiction.

(5) Counsel has demonstrated the necessary proficiency and commitment which exemplify the quality of representation appropriate to capital cases.

(6) Local practice for the appointment of counsel in capital cases. Absent standards established under this subsection, the court may appoint such counsel as it deems qualified, in accordance with any local rules or practices. The existence or applicability of or failure to comply with such standards shall not provide a basis for relief.

§ 9573. Time for petition; contents of petition.

(a) Filing date.—Any petition under this subchapter shall be filed within 120 days of the date the trial transcript is filed with the court. The court may, for good cause shown, grant extensions of time totaling no more than 90 days.

(b) Subsequent or untimely claims.—Any claim raised after the time specified in subsection (a) shall be dismissed unless it satisfies section 9578 (relating to subsequent petitions).

(c) Evidentiary hearing.—Where the petitioner requests an evidentiary hearing, the petition shall include a signed certification as to each intended witness stating the witness's name, address, date of birth and substance of testimony and shall include any documents material to that witness's testimony. Failure to substantially comply with the requirements of this subsection shall render the proposed witness's testimony inadmissible.

(d) Discovery.—Discovery shall be permitted, and no reasonable discovery request of the petitioner shall be denied except upon demonstration of exceptional circumstances justifying denial of the discovery requests.

(e) Claim for relief.—When a claim for relief is based on an allegation of ineffective assistance of counsel as a ground for relief, any privilege concerning counsel's representation as to that issue shall be automatically terminated.

§ 9574. Answer to petition.

The Commonwealth may file a written answer to the petition within 120 days of the filing and service of the petition. For good cause shown, the court may grant an extension of time of up to 90 days. Failure to file an answer shall not constitute an admission of any facts alleged in the petition.

§ 9575. Disposition without evidentiary hearing.

(a) Evidentiary hearing.—No more than 20 days after the Commonwealth answers the petition or, if no answer is filed, 20 days after the deadline for answering, the court shall determine whether or not an evidentiary hearing is warranted. An evidentiary hearing shall not be warranted unless controverted, previously unresolved factual issues material to petitioner's conviction or sentence exist.

(b) Written order.—Failure of the court to issue a written order within the period prescribed under subsection (a) shall constitute a determination that an evidentiary hearing is warranted on any controverted, previously unresolved factual issues material to petitioner's conviction or sentence.

(c) Disposing of petition.—If the determination is made that no evidentiary hearing is warranted, the court shall, no later than 90 days from the date of that determination, dispose of the petition, after oral argument if requested, and any postsentence motions filed under the Pennsylvania Rules of Criminal Procedure.

§ 9576. Evidentiary hearing.

(a) Order.—If the court determines that an evidentiary hearing is warranted, the court shall enter an order no more than 20 days after the Commonwealth answers the petition or, if no answer is filed, 20 days after the deadline for answering, setting a date for the hearing.

(b) Date.—The hearing shall be scheduled to occur not less than ten days and not more than 45 days from the

date of the order setting the hearing. The court may, for good cause shown, grant leave to continue the hearing.

(c) Disposing of petition.—Not later than 90 days after the evidentiary hearing, the court shall dispose of the petition and any postsentence motions filed under the Pennsylvania Rules of Criminal Procedure.

§ 9577. Disposition and appeal.

(a) Capital unitary review.—Review by the Supreme Court under section 9711(h) (relating to review of death sentence) shall comprise direct appeal and collateral appeal. The common pleas court order disposing of the petition under this subchapter shall constitute the final judgment for purposes of this review.

(b) Briefs for petitioner.—Unless the petitioner has waived the right to new counsel on collateral review, separate briefs shall be filed for direct appeal and collateral appeal. The time for filing the collateral appeal brief shall begin to run from service of the petitioner's brief on direct appeal.

(c) Brief for the Commonwealth.—The Commonwealth shall file a brief in response to the petitioner's direct and collateral appeal briefs. The time for filing the Commonwealth's brief shall begin to run from service of the petitioner's brief on collateral appeal.

§ 9578. Subsequent petitions.

(a) Further review.—No further review shall be available unless a petition is filed under Subchapter B (relating to post conviction relief) alleging that:

(1) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution of the United States or laws of the United States or the Constitution of Pennsylvania or laws of this Commonwealth;

(2) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained in the exercise of due diligence; or

(3) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

(b) Exception petition.—Any petition invoking an exception provided in subsection (a) shall be filed within 60 days of the date the claim could have been presented.

§ 9579. Certification.

(a) General rule.—By presenting to the court, whether by signing, filing, submitting or later advocating, a pleading, written motion or other papers regarding a petition for collateral relief, an attorney or unrepresented party is certifying that, to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the following:

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims and other legal contentions in it are warranted by existing law or by a nonfrivolous argument for extension, modification or reversal of existing law or the establishment of new law; and

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are

likely to have evidentiary support after a reasonable opportunity for further investigation.

(b) Sanctions.—If, after notice and a reasonable opportunity to respond, the court determines that this section has been violated, the court may impose an appropriate sanction on the attorneys, law firms or parties that have violated this section.

Section 3. This act shall apply as follows:

(1) The amendment of 42 Pa.C.S. §§ 9542, 9543, 9544, 9545 and 9546 shall apply to petitions filed after the effective date of this act; however, a petitioner whose judgment has become final on or before the effective date of this act shall be deemed to have filed a timely petition under 42 Pa.C.S. Ch. 95 Subch. B if the petitioner's first petition is filed within one year of the effective date of this act.

(2) The addition of 42 Pa.C.S. Ch. 95 Subch. D shall apply in all cases in which the death penalty is imposed on or after January 1, 1996.

Section 4. This act shall take effect in 60 days.

APPROVED—The 17th day of November, A.D. 1995.

THOMAS J. RIDGE

[Pa.B. Doc. No. 96-801. Filed for public inspection May 17, 1996, 9:00 a.m.]

PART I. GENERAL

[234 PA. CODE CHS. 100, 200, 6000 AND 9000] Proposed Amendments to Pa.Rs.Crim.P. 110 et seq.

Introduction

In March 1995, the Committee published a Report explaining its proposal for the amendment of Pa.R.Crim.P. 141 (Preliminary Hearing) and the revision of the Comments to Pa.Rs.Crim.P. 119 (Requirements for Issuance) and 140 (Preliminary Arraignment) to clarify that, under the present rules, district justices may issue warrants when a defendant fails to appear for a preliminary hearing, and to recognize the various local practices for handling cases in which a defendant fails to appear for a preliminary hearing. See 25 Pa.B. 828 (March 11, 1995) and the Pennsylvania Reporter, 652 A.2d, No. 3 (March 17, 1995). As the result of the Committee's post-publication review of the proposal, and in light of the publication responses, the Committee is modifying its original proposal to establish one Statewide, uniform procedure for handling court cases in which a defendant has failed to appear for the preliminary hearing. This modified proposal includes amendments to Rules of Criminal Procedure 110, 112, 113, 140, 141, 142, 143, 146, 224, 225, 231, 9024, 6000, 6001, and 6003. The following Supplemental Report explains the proposed changes, and highlights the Committee's considerations in formulating these changes.

Please note that the Committee's Reports and Supplemental Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports or Supplemental Reports.

We would appreciate suggestions, comments, or objections concerning this proposal. Correspondence with the Committee should be forwarded to counsel: Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, no later than Friday, June 21, 1996.

By The Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 100. PROCEDURE IN COURT CASES

PART III. SUMMONS AND ARREST WARRANT PROCEDURES IN COURT CASES

PART A. SUMMONS PROCEDURES

Rule 110. Contents of Summons; [**Time**] Notice of Preliminary Hearing.

(A) Every summons in a court case shall command the defendant to appear before the issuing authority for a preliminary hearing at the place [**stated therein**] and **on the date and at the time [fixed therein, which] stated on the summons. The date set for the preliminary hearing shall be not less than 20 days from the date of mailing the summons unless the issuing authority fixes an earlier date upon the request of the defendant or [his] the defendant's attorney with the consent of the affiant.**

(B) The summons shall give the notice to the defendant:

(1) of the right to secure counsel of the defendant's choice and, for those who are without financial resources, of the right to assigned counsel in accordance with Rule 316;

(2) that bail will be set at the preliminary hearing; and

(3) that if the defendant fails to appear [**at**] **on the date, and at the time and place specified [a warrant will be issued for the defendant's arrest.] on the summons, the case will be forwarded to the court of common pleas for further proceedings, unless, within 10 days after the date scheduled for the preliminary hearing, the defendant provides the issuing authority with good cause explaining his or her failure to appear.**

(C) A copy of the complaint shall be attached to the summons.

Official Note: Original Rule 109[,] adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 109 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 110 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended August 9, 1994, effective January 1, 1995; **amended _____, effective _____.**

Comment

[**Summons in the**] **For the summons procedures in non-summary cases in the Municipal Court**

of Philadelphia [**are governed generally by the Rules of Chapter 6000**], see Rule 6003(C).

When a defendant appears for a preliminary hearing pursuant to a summons under this rule and is held for court, the issuing authority should require the defendant to submit to administrative processing and identification procedures (such as fingerprinting) as authorized by law. It is suggested that these processing procedures be made a condition of bail or release. See Criminal History Record Information Act, 18 Pa.C.S. § 9112.

See Rule 112 for service of the summons and proof of service.

See Rule 143(D) for the procedures when a defendant fails to appear for the preliminary hearing.

For the consequences of defects in a summons in a court case, see Rule 150.

Committee Explanatory Reports:

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

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 112. Service of Summons; **Proof of Service.**

(A) The summons shall be served upon the defendant by **both first class mail and certified mail**, return receipt requested. A copy of the complaint shall be served with the summons.

(B) **Proof of service of the summons by mail shall include:**

(1) **a return receipt signed by the defendant, or**

(2) **if the certified mail is returned for whatever reason, the returned summons with the notation that the certified mail was undelivered and evidence that the first class mailing of the summons was not returned to the issuing authority within 15 days after mailing.**

Official Note: Original Rule 111[,] adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 111 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 112 September 18, 1973, effective January 1, 1974; **amended _____, effective _____.**

Comment

This rule was amended in 1996 to require that the summons be served by both first class mail and certified mail, return receipt requested.

Paragraph (B) sets forth what constitutes proof of service of the summons by mail in a court case for purposes of these rules.

Committee Explanatory Reports:

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 113. Procedure in Court Cases Following Issuance of Summons.

The defendant shall appear before the issuing authority for a preliminary hearing **on the date, and at the time and place specified in the summons.** If the defendant fails

to appear, the issuing authority shall **not** issue a warrant for the arrest of the defendant **and shall proceed as provided in Rule 143(D)**.

Official Note: Adopted September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995; amended _____, effective _____.

Comment

For the proper time for the preliminary hearing, see Rule 110.

When a defendant appears for a preliminary hearing pursuant to a summons and is held for court, the issuing authority should require that the defendant submit to administrative processing and identification procedures (fingerprinting, for example,) as authorized by law. It is recommended that this requirement be made a condition of bail or release. See Criminal History Record Information Act, 18 Pa.C.S. § 9112.

This rule was amended in 1996 to reflect the new procedures governing cases in which a defendant fails to appear for the preliminary hearing. The issuing authority must proceed as provided in Rule 143(D) to determine whether the case should be forwarded to the court of common pleas for further proceedings, and in no case does the issuing authority issue a warrant for the arrest of the defendant who has failed to appear.

For the [**procedure**] procedures in non-summary cases in the Municipal Court [**of Philadelphia**], see Chapter 6000.

Committee Explanatory Reports:

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

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

PART IV. PROCEEDINGS BEFORE ISSUING AUTHORITIES

Rule 140. Preliminary Arraignment.

[(a)] (A) ***

[(b)] (B) ***

[(c)] (C) ***

[(d)] (D) ***

[(e)] (E) Unless the preliminary hearing is waived by a defendant who is represented by counsel, the issuing authority shall:

(1) fix a day and hour for a preliminary hearing which shall not be less than 3 nor more than 10 days after the preliminary arraignment, unless

[(i)] (a) extended for cause shown, or

[(ii)] (b) the issuing authority fixes an earlier date upon request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth; and

(2) give the defendant notice, **orally and in writing**.

(a) of the **date**, time, and place of the preliminary hearing [**thus fixed.**], and

(b) that failure to appear for the preliminary hearing will result in the case being forwarded to the court of common pleas for further proceedings, unless, within 10 days after the date scheduled for the preliminary hearing, the defendant provides the issuing authority with good cause explaining his or her failure to appear.

[(f)] (F) ***

[(g)] (G) ***

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

Comment

[**Former Rule 140 was rescinded and replaced by new Rule 140 in 1994. Although the rule has been extensively reorganized, only paragraphs (b) and (c) reflect changes in the procedures contained in the former rule.**]

A preliminary arraignment as provided in this rule bears no relationship to arraignment in criminal courts of record. See Rule 303.

Paragraph [(b)] (B) requires that the defendant receive copies of the arrest warrant and the supporting affidavit(s) at the time of the preliminary arraignment. See also Rules 119(a), 2008(a), and 6003.

Paragraph [(b)] (B) includes a narrow exception which permits the issuing authority to provide copies of the arrest warrant and supporting affidavit(s) on the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

Nothing in this rule is intended to address public access to arrest warrant affidavits. See *Commonwealth v. Fenstermaker*, 530 A.2d 414 (Pa. 1987).

When a defendant has not been promptly released from custody after a warrantless arrest, the defendant must be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. See Rule 102(a).

Under paragraph [(c)] (C), if a defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before a defendant may be detained. See *Riverside v. McLaughlin*, 500 U. S. 44 (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

Pursuant to the 1996 amendment to paragraph (E)(2), at the time of the preliminary arraignment, the defendant must be given notice, both orally and in writing, of the date, time, and place of the preliminary hearing. The notice must also explain

that, if the defendant fails to appear for the preliminary hearing, the preliminary hearing will not be held and the case will be sent to the court of common pleas for further proceedings, unless, within 10 days after the date scheduled for the preliminary hearing, the defendant shows good cause explaining his or her failure to appear.

See Rule 6003(D) for the procedures governing preliminary arraignments in non-summary cases in the Municipal Court.

Committee Explanatory Reports:

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

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

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 141. Preliminary Hearing.

[(a)] (A) ***

[(b)] (B) ***

[(c)] (C) The defendant shall be present at any preliminary hearing except as provided in these rules, and may, if he or she desires:

- (1) be represented by counsel;
- (2) cross-examine witnesses and inspect physical evidence offered against him or her;
- (3) call witnesses on his or her own behalf, other than witnesses to [his] the defendant's good reputation only [,]:

(4) offer evidence on his or her own behalf and testify; and

[(4)] (5) make written notes of the proceedings, or have [his] counsel do so, or make a stenographic, mechanical, or electronic record of the proceedings.

[(d)] If a prima facie case of the defendant's guilt is not established at the preliminary hearing, and no application for continuance, supported by reasonable grounds, is made by an interested person, and no reason for a continuance otherwise appears, the issuing authority shall discharge the defendant.]

Official Note: Formerly Rule 120[,] adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered **Rule 141** and amended September 18, 1973, effective January 1, 1974; amended June 30, 1975, effective July 30, 1975; amended October 21, 1977, effective January 1, 1978; paragraph (d) amended April 26, 1979, effective July 1, 1979; amended _____, effective _____.

Comment

When no attorney appears at the preliminary hearing on behalf of the Commonwealth, the issuing authority may ask questions of any witness who testifies, and the affiant may request the issuing authority to ask specific questions.

[The 1975 modification to paragraph] Paragraph [(c)] (C)(3) is intended to make clear that the defendant [can] may call witnesses at a preliminary hearing only to negate the existence of a *prima facie* case, and not merely for the purpose of discovering the Commonwealth's case. The modification changes the language of the rule interpreted by the Court in *Commonwealth v. Mullen*, [460 Pa. 336,] 333 A.2d 755 (Pa. 1975). This amendment was made to preserve the limited function of a preliminary hearing.

[For suspension of Act of Assembly see Rule 159(g).]

Paragraph (d), concerning the procedures when a prima facie case is found, was deleted in 1996 as unnecessary because the same procedures are set forth in Rule 143 (Disposition of Case at Preliminary Hearing).

For the procedures when a defendant fails to appear for the preliminary hearing, see Rule 143(D).

Committee Explanatory Reports

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 142. Continuance of a Preliminary Hearing.

(A) The issuing authority may, for cause shown, grant a continuance, and shall note on the transcript every continuance together with:

- (1) the grounds for granting each continuance,
- (2) the identity of the party requesting such continuance, and
- (3) the new date and time for the preliminary hearing, and the reasons that the particular date was chosen.

(B) The issuing authority shall give notice of the new date and time for the preliminary hearing to the defendant or defendant's attorney of record and the attorney for the Commonwealth.

- (1) The notice shall be in writing.
- (2) Notice shall be served on the defendant either in person or by both first class mail and certified mail, return receipt requested.
- (3) Notice shall be served on defendant's attorney of record and the attorney for the Commonwealth either by personal delivery or by leaving a copy for or mailing a copy to the attorney(s) at the attorney's office.

Official Note: Formerly Rule 124 adopted June 30, 1964, effective January 1, 1965, suspended effective May 1, 1970; present rule adopted January 31, 1970, effective May 1, 1970; renumbered September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; effective date extended to July 1, 1982; amended July 12, 1985, effective January 1, 1986, effective date extended to July 1, 1986; amended _____, effective _____.

Comment

For the contents of the transcript, see Rule 26.

Proof of service by mail on the defendant of the notice of the continued preliminary hearing shall include:

- (1) a return receipt signed by the defendant, or
- (2) if the certified mail is returned for whatever reason, the returned notice with the notation that the certified mail was undelivered and evidence that the first class mailing of the notice was not returned to the issuing authority within 15 days after mailing.

Committee Explanatory Reports:

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 143. Disposition of Case at Preliminary Hearing.

(A) At the conclusion of the preliminary hearing, the decision of the issuing authority shall be publicly pronounced.

[(a)] (B) If the Commonwealth establishes a prima facie case of the defendant's guilt, the issuing authority shall hold the defendant for court. Otherwise, the defendant shall be discharged. **[In either event, the decision of the issuing authority shall be publicly pronounced.]**

[(b)] (C) When the defendant has been held for court, the issuing authority shall:

(1) set bail as permitted by law if the defendant did not receive a preliminary arraignment; or

(2) continue the existing bail order, unless the issuing authority modifies the order as permitted by Rule 4008(a).

(D) In any case in which the defendant fails to appear for the preliminary hearing, the issuing authority shall not issue a warrant for the arrest of the defendant, and shall proceed as follows:

(1) The issuing authority shall determine whether the defendant received notice of the time, date, and place of the preliminary hearing either:

(a) in person at a preliminary arraignment as provided in Rule 140(E)(2);

(b) in a summons served as provided in Rule 112; or

(c) through defendant's attorney of record.

(2) If the issuing authority finds that the defendant received notice, unless the defendant within 10 days after the date scheduled for the preliminary hearing provides good cause explaining the defendant's failure to appear, the issuing authority shall:

(a) indicate on the transcript that the defendant failed to appear and failed to provide good cause;

(b) make a probable cause determination if no probable cause determination has been previously made in the case; and

(c) forward the case to the court of common pleas for further proceedings.

(3) If the issuing authority finds that the defendant did not receive notice, or finds that there was good cause explaining the defendant's failure to appear, the issuing authority shall continue the preliminary hearing to a specific date and time, and shall give notice of the new date and time as provided in Rule 142(B).

(4) If no attorney for the Commonwealth was present for the preliminary hearing, the issuing authority shall notify the attorney for the Commonwealth, and any other designated court official, that the defendant failed to appear for the preliminary hearing. The notice shall indicate whether

(a) the case has been forwarded to the court of common pleas for further proceedings pursuant to paragraph (D)(2), or

(b) the preliminary hearing has been continued pursuant to paragraph (D)(3); the notice shall include the date, time, and place for the rescheduled preliminary hearing.

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

Comment

For the procedures for preliminary hearings in the Municipal Court of Philadelphia, see Rule 6003F.

Paragraph **[(b) was amended in 1983 to reflect] (C) reflects** the fact that a bail determination will already have been made at the preliminary arraignment, except in those cases where, pursuant to a summons, the defendant's first appearance is at the preliminary hearing. See Rules 109 and 110.

When a defendant fails to appear for the preliminary hearing, the issuing authority must ascertain whether the defendant received notice of the date, time, and place of the preliminary hearing. Paragraph (D)(2).

If the issuing authority determines that the defendant received notice, he or she must forward the case to the court of common pleas for further proceedings, unless the defendant within 10 days after the date scheduled for the preliminary hearing provides the issuing authority with good cause why the defendant failed to appear. Paragraph (D)(2).

If the issuing authority determines that the defendant did not receive notice or that there is good cause explaining why the defendant failed to appear, the preliminary hearing must be continued and rescheduled for a date certain. Paragraph (D)(3). For the procedures when a preliminary hearing is continued, see Rule 142.

If the issuing authority determines that the defendant has not provided good cause explaining why the defendant failed to appear, the issuing authority must forward the case to the court of common pleas for further proceedings.

As provided in paragraph (D)(1), service of the notice of the date, time, and place of the preliminary hearing may have been accomplished in one of three ways; in person and in writing at a preliminary arraignment as provided in Rule 140; in a

summons served pursuant to Rule 112; or through defendant's attorney of record.

As provided in paragraph (D)(2)(b), unless a probable cause determination has been made previously in the case, the issuing authority must make a probable cause determination before forwarding the case to the court of common pleas.

Committee Explanatory Reports:

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

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

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 146. Return of Transcript and Original Papers.

(a) When a defendant is held for court, **or, after a case is forwarded to the court of common pleas when a defendant has failed to appear for the preliminary hearing**, the issuing authority shall prepare a transcript of the proceedings. The transcript shall contain all the information required by these rules to be recorded on the transcript [**under Rules 26 and 142**]. It shall be signed by the issuing authority, and have affixed to it the issuing authority's seal of office.

(b) The issuing authority shall transmit the transcript to the clerk of the proper court:

(1) within [**five**] 5 days after holding the defendant for court; **or**

(2) **in cases in which the defendant has failed to appear for the preliminary hearing, at the time the case is forwarded to the court of common pleas for further proceedings.**

(c) In addition to [**this**] the transcript, the issuing authority shall also transmit the following items:

- (1) original complaint;
- (2) the summons or the warrant of arrest and its return;
- (3) all affidavits filed in the proceeding; and
- (4) the appearance or bail bond for the defendant, if any, or a copy of the order committing the defendant to custody.

Official Note: Formerly Rule 126[,] adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970; effective May 1, 1970; renumbered and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; **amended _____, effective _____.**

Comment

See Rule 26 for the general contents of the transcript. There are a number of other rules that require certain things to be recorded on the transcript to make a record of the proceedings before the issuing authority. See, e.g., Rules 142 and 143.

See Rule 143(D) for the procedures when a defendant fails to appear for a preliminary hearing. The issuing authority must forward the case to the court of common pleas for further proceedings unless within 10 days after the date scheduled for the preliminary hearing, the defendant shows good cause to explain why he or she failed to appear. The transcript must be transmitted within 5 days after forwarding the case to the court of common pleas.

Committee Explanatory Reports:

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

CHAPTER 200. INFORMATIONS AND INVESTIGATING GRAND JURIES

PART I. INFORMATIONS

Rule 224. Withdrawal of Charges by Attorney for the Commonwealth.

(a) After a case is held for court, **or, after a case is forwarded to the court of common pleas for further proceedings when a defendant has failed to appear for the preliminary hearing**, at any time before the information is filed, the attorney for the Commonwealth may withdraw one or more charges by filing notice with the clerk of courts.

(b) Upon the filing of the information, any charge not listed on the information shall be deemed withdrawn by the attorney for the Commonwealth.

Official Note: Former Rule 224 adopted November 22, 1971, effective immediately; amended February 15, 1974, effective immediately; amended April 26, 1979, effective July 1, 1979; rescinded August 12, 1993, effective September 1, 1993. New Rule 224 adopted August 14, 1995, effective January 1, 1996; **amended _____, effective _____.**

Comment

Court approval is not required for the withdrawal of charges prior to the filing of an information. Cf. 42 Pa.C.S. § 8932 and Rule 313 (Nolle Prosequi).

See Rule 143(D) for the procedures when a defendant fails to appear for the preliminary hearing.

Committee Explanatory Reports:

Report explaining the August 12, 1993 rescission published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the August 14, 1995 amendments published with the Court's Order at 25 Pa.B. 3468 (August 26, 1995).

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 225. Information: Filing, Contents, Function.

(a) After the defendant has been held for court, **or after a case is forwarded to the court of common pleas for further proceedings when the defendant has failed to appear for the preliminary hearing**, the attorney for the Commonwealth shall proceed by preparing an information and filing it with the court of common pleas.

* * * * *

Official Note: Adopted February 15, 1974, effective immediately; Comment revised January 28, 1993, effective _____.

tive July 1, 1983; amended August 14, 1995, effective January 1, 1996; amended _____, effective _____.

Comment

Before an information is filed, the attorney for the Commonwealth may withdraw one or more of the charges by filing a notice of withdrawal with the clerk of courts. See Rule 224(a). Upon the filing of an information, any charge not listed on the information will be deemed withdrawn by the attorney for the Commonwealth. See Rule 224(b). After the information is filed, court approval is required before a nolle prosequi may be entered on a charge listed therein. See Rule 313.

When there is an omission or error of the type referred to in paragraph (c), the information should be amended pursuant to Rule 229.

See Rule 143(D) for the procedures when a defendant fails to appear for a preliminary hearing.

Committee Explanatory Reports:

Final Report explaining the August 14, 1995 amendments published with the Court's Order at 25 Pa.B. 3468 (August 26, 1995).

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 231. Presentation of Information without Preliminary Hearing.

(a) ***

(b) ***

(c) When a defendant fails to appear for a preliminary hearing and the case is forwarded to the court of common pleas as provided in Rule 143(D), the attorney for the Commonwealth may file an information with the court without a preliminary hearing.

Official Note: Adopted February 15, 1974, effective immediately; amended April 26, 1979, effective July 1, 1979; amended August 12, 1993, effective September 1, 1993; amended _____, effective _____.

Comment

The prior language of the rule, authorizing the attorney for the Commonwealth, with the permission of the court, to bypass the preliminary hearing to toll the statute of limitations or to extradite a defendant, was deleted in 1993 in light of changes in the law simplifying the process for obtaining custody of the defendant. It is intended that use of the bypass procedure as set forth in paragraph (a) will be limited to exceptional circumstances only.

Under the Juvenile Act, a juvenile is entitled to substantially the same rights at a transfer hearing as a defendant would be at a preliminary hearing. See Juvenile Act, 42 Pa.C.S. § 6355. Therefore, to avoid duplicative proceedings, this rule permits the attorney for the Commonwealth to bypass the preliminary hearing when a juvenile has been transferred for prosecution as an adult.

When a defendant has failed to appear for a preliminary hearing, Rule 143(D) provides that the issuing authority is to forward the case to the court of common pleas for further proceedings. When a case has been forwarded under these circum-

stances, paragraph (c) permits the attorney for the Commonwealth to file an information without a preliminary hearing.

Committee Explanatory Reports:

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

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

Rule 6000. Scope of Rules.

[(a) The rules in this chapter govern proceedings in Municipal Court cases in the Municipal Court of Philadelphia and appeals from Municipal Court cases.

(b) Except as provided in this chapter, procedure in Municipal Court cases shall be governed by the Rules of Criminal Procedure adopted and promulgated by the Supreme Court of Pennsylvania.]

(A) The rules in this chapter govern all proceedings in the Philadelphia Municipal Court, including summary cases; Municipal Court cases, as defined in Rule 6001(a); the filing of appeals from Municipal Court cases; the filing of petitions for writs of certiorari; and the preliminary proceedings in criminal cases charging felonies.

(B) Any procedure which is governed by a statewide rule of criminal procedure, but which is not specifically covered in Chapter 6000, shall be governed by the relevant statewide rule.

Official Note: Adopted December 30, 1968, effective January 1, 1969; amended March 28, 1973, effective March 28, 1973; amended July 1, 1980, effective August 1, 1980; amended _____, 1996, effective _____, 1996.

Comment

[The 1973 amendment deleted the paragraph which made the rules in this chapter inapplicable to cases which were summary cases prior to the adoption of these rules.]

The 1996 amendments make it clear that, except as otherwise provided in the rules, Chapter 6000 governs all proceedings in the Philadelphia Municipal Court, including the procedures for instituting criminal cases charging felonies, preliminary arraignments, and preliminary hearings. See 42 Pa.C.S. § 1123 (Jurisdiction and Venue).

Committee Explanatory Reports:

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Rule 6001. Disposition of Criminal Cases—Municipal Court, Philadelphia.

[Any misdemeanor] (A) A Municipal Court case is any case in which the only offense or offenses charged are misdemeanors under the Crimes Code, or other statutory criminal [offense] offenses for which no prison term may be imposed or which is punishable by a term of imprisonment of not more than 5 years,

including any [**indictable**] offense **under the Vehicle Code** other than a summary offense [**under the motor vehicle laws, shall be a Municipal Court case**].

(B) When one or more such offenses are charged in a single complaint or series of complaints against one defendant, all shall be joined in the same Municipal Court case, regardless of the length of the cumulative sentence which could be imposed on all charges.

(C) A **Municipal Court** case may be transferred from the Municipal Court to the Court of Common Pleas by order of the President Judge of the Court of Common Pleas, or [**his**] **the President Judge's** designee, upon [**his**] **the President Judge's** approval of:

(1) a certification by defense counsel that trial in the Municipal Court will unduly delay defendant's access to a trial by jury; or

(2) a certification by both defense counsel and the District Attorney that the trial of the case will be so time consuming as to unduly disrupt the business of the Municipal Court.

Official Note: [Adopted] Present Rule 6001 adopted March 28, 1973, effective March 28, 1973, replacing prior Rule **6001**; amended June 28, 1974, effective July 1, 1974; [**last sentence**] **paragraph (C)** added February 10, 1975, effective immediately; title amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; **amended** _____, **1996, effective** _____, **1996.**

Comment

This Rule, **which defines Municipal Court case**, is intended to assure that the Municipal Court will take dispositive action, including trial and verdict when appropriate, in any criminal case which does not involve a felony, excluding summary cases under the [**motor vehicle laws**] **Vehicle Code**. The latter are under the jurisdiction of the Philadelphia Traffic Court, Judicial Code §§ 1301—1303, 1321; 42 Pa.C.S. §§ 1301—1303, 1321 [**(1981)**].

Committee Explanatory Reports:

Supplemental Report explaining the _____, **1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).**

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

A. INITIATION OF CRIMINAL PROCEEDINGS

(1) Criminal proceedings in **court cases [which charge any misdemeanor under the Crimes Code or other statutory criminal offenses, other than a summary offense, for which no prison term may be imposed or which is punishable by a term of imprisonment of not more than 5 years]** shall be instituted by filing a written complaint, except that proceedings may be also instituted by:

(a) an arrest without a warrant when a **felony or misdemeanor** is committed in the presence of the police officer making the arrest; [**or**]

(b) an arrest without a warrant upon probable cause when the offense is a misdemeanor not committed in the

presence of the police officer making the arrest, when the arrest without a warrant is specifically authorized by law; **or**

(c) **an arrest without a warrant upon probable cause when the offense is a felony.**

(2) Private Complaints

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

(b) If the attorney for the Commonwealth:

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

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

B. CERTIFICATION OF COMPLAINT

Before a Municipal Court judge may issue process or order further proceedings [**in a Municipal Court case**], the judge shall ascertain and certify on the complaint that:

(1) the complaint has been properly completed and executed; and

(2) when prior approval from the office of the District Attorney is required, that a district attorney has approved the complaint.

The Municipal Court judge shall then accept the complaint for filing, and the case shall proceed as provided in these rules.

C. SUMMONS AND ARREST WARRANT PROCEDURES

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

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

(2) issue a warrant of arrest when:

(a) the offense charged is punishable by imprisonment for a term of more than 5 years;

(b) the Municipal Court judge has reasonable grounds for believing that the defendant will not obey a summons;

(c) the summons has been returned undelivered;

(d) a summons has been served and disobeyed by a defendant;

(e) the identity of the defendant is unknown; or

(f) **a defendant is charged with more than one offense, and one of the offenses is punishable by imprisonment for a term of more than 5 years; or**

(3) when the offense charged does not fall within the categories specified in subsection C(1) or (2), the judge may, in his or her discretion, issue a summons or a warrant of arrest.

D. PRELIMINARY ARRAIGNMENT

(1) When a defendant has been arrested within Philadelphia County [**in a Municipal Court case**], with or without a warrant, the defendant shall be afforded a

preliminary arraignment by a Municipal Court judge without unnecessary delay. If the defendant was arrested without a warrant pursuant to subsection A(1)(a) or (b), unless the Municipal Court judge makes a determination of probable cause, the defendant shall not be detained.

(2) At the preliminary arraignment, the Municipal Court judge:

(a) shall not question the defendant about the offense(s) charged;

(b) shall give the defendant a copy of the certified complaint;

(c) if the defendant was arrested with a warrant, the issuing authority shall provide the defendant with copies of the warrant and supporting affidavit(s) at the preliminary arraignment, unless the warrant and affidavit(s) are not available at that time, in which event the defendant shall be given copies no later than the first business day after the preliminary arraignment; and

(d) shall also inform the defendant:

(i) of the right to secure counsel of choice and the right to assigned counsel in accordance with Rule 316;

(ii) **in a Municipal Court case**, of the day, date, hour, and place for trial, which shall not be less than 20 days after the preliminary arraignment unless the [**issuing authority**] **Municipal Court judge** fixes an earlier date upon request of the defendant or defense counsel, with the consent of the attorney for the Commonwealth; [**and**]

(iii) **in a case charging a felony, of the date, time, and place of the preliminary hearing, which shall not be less than 3 nor more than 10 days after the preliminary arraignment unless extended for cause or the Municipal Court judge fixes an earlier date upon the request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth; and**

[(iii)] (iv) of the type of release on bail, as provided in Chapter 4000 of these rules, and the conditions of the bail bond.

(3) After the preliminary arraignment, if the defendant is detained, he or she shall be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she shall be committed to jail, as provided by law.

E. PRELIMINARY HEARING IN CASES CHARGING A FELONY

(1) In cases charging a felony, the preliminary hearing in Municipal Court shall be conducted as provided in Rule 141 (Preliminary Hearing).

(2) In any case in which the defendant fails to appear for the preliminary hearing, the Municipal Court judge may issue a warrant for the arrest of the defendant.

[E.] F. ACCEPTANCE OF BAIL PRIOR TO TRIAL

The Clerk of Quarter Sessions shall accept bail at any time [**prior to the Municipal Court trial**].

Official Note: Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective

January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; **amended _____, 1996, effective _____, 1996.**

Comment

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

The _____, 1996 amendments make it clear that Rule 6003 covers the preliminary procedures for all non-summary Municipal Court cases, see Rule 6001(A), and cases charging felonies, including the institution of proceedings, the preliminary arraignment, and the preliminary hearing.

See Chapter 100 (Procedure in Court Cases), Parts I (Instituting Proceedings), II (Complaint Procedures), III (Summons and Arrest Warrant Procedures in Court Cases), and IV (Proceedings Before Issuing Authorities) for the Statewide rules governing the preliminary procedures in court cases, including non-summary Municipal Court cases, not otherwise covered by this rule.

The _____, 1996 amendments to paragraph A(1) align the procedures for instituting cases in Municipal Court with the Statewide procedures in Rule 101 (Means of Instituting Proceedings in Court Cases).

The March 22, 1996 amendments to paragraph A(2) align the procedures for private complaints in non-summary cases in Municipal Court [cases] with the Statewide procedures for private complaints in Rule 106 (Approval of Private Complaints). In all cases where the affiant is not a law enforcement officer, the complaint must be submitted to the attorney for the Commonwealth for approval or disapproval.

As used in this rule, "Municipal Court judge" includes a bail commissioner acting within the scope of bail commissioner's authority under 42 Pa.C.S. § 1123(A)(5).

* * * * *

Under subsection D(3), after the preliminary arraignment, if the defendant is detained, the defendant must be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she must be committed to jail, as provided by law.

When a defendant fails to appear for the preliminary hearing, nothing in these rules is intended to preclude a Municipal Court judge from proceeding as provided by present practice or as provided in Rule 143(D).

Committee Explanatory Reports:

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

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

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

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

PART II. LOCAL AND MINOR RULES

CHAPTER 9000. GENERAL PROVISIONS

Rule 9024. Notice of Court Proceeding(s) Requiring Defendant's Presence.

[Notice] Except as otherwise provided in Chapter 100 concerning notice of the preliminary hearing, notice of a court proceeding requiring a defendant's presence shall be either:

- (a) in writing and served by
 - (1) personal delivery to the defendant or defendant's attorney; or
 - (2) leaving a copy for or mailing a copy to the defendant's attorney at the attorney's office; or
 - (3) sending a copy to the defendant by certified, registered, or first class mail addressed to the defendant's place of residence, business, or confinement; or
- (b) given to the defendant orally in open court on the record.

Official Note: Former Rule 9024 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 June 2, 1994, effective September 1, 1994. New Rule 9024 adopted June 2, 1994, effective September 1, 1994; amended _____, effective _____.

Comment

Some judicial districts use a document called a "subpoena" to give a defendant notice of required court appearances. Nothing in this rule is intended to change this practice.

See Rules 112, 140, 142, and 143 for the procedures for service of notice of a preliminary hearing, which are different from the procedures in this rule.

See Rule 9023 for the procedures for serving all written motions and any document for which filing is required.

See Rule 80 for the procedures for service in summary cases.

Committee Explanatory Reports:

Report explaining the provisions of new Rule 9024 published at 23 Pa.B. 5008 (October 23, 1993).

Supplemental Report explaining the _____, 1996 amendments published at 26 Pa.B. 2316 (May 18, 1996).

Supplemental Report

Proposed Amendments to Pa.Rs.Crim.P. 110, 112, 113, 140, 141, 142, 143, 146, 224, 225, 231, 9024, 6000, 6001, and 6003

Procedure When Defendant Fails to Appeal for Preliminary Hearing

Background

The Committee's original proposal, which was published for comment at 25 Pa.B. 828 (March 11, 1995), was intended to make it clear that (1) under the present rules, district justices may issue warrants for the arrest of a defendant who has failed to appear for the preliminary hearing, and (2) the warrant procedure is not intended to replace the various local procedures for handling cases in which a defendant fails to appear for the preliminary hearing.

In response to our request for comments about the original proposal, the Committee received correspondence from several individuals, including Nancy M. Sobolevitch, Court Administrator of Pennsylvania; Timothy M. McVay, Esq., an attorney with the Administrative Office of Pennsylvania Courts (AOPC) Judicial Computer Project (JCP); and James G. Morgan Jr., solicitor for the Special Courts Judges Association of Pennsylvania. The correspondents urged the Committee to consider modifying the proposal to mandate a uniform procedure for handling cases in which the defendant has failed to appear for the preliminary hearing. They pointed out that currently, without a Statewide uniform procedure, the practices not only vary from judicial district to judicial district, but also from magisterial district to magisterial district, and occasionally from case to case. They noted that this diversity of practice (1) is confusing to the bench, bar, and defendants; (2) makes it difficult to monitor the cases at both the local and Statewide levels; (3) creates administrative problems at the Statewide level, particularly for purposes of the case statistics; and (4) has resulted in some cases being "lost" either at the magisterial district level or in the court of common pleas.

After considering the points raised in the publication correspondence, the Committee reconsidered its original proposal, and was persuaded that the rules should provide one procedure for handling cases in which the defendant fails to appear for the preliminary hearing.

DISCUSSION OF RULE CHANGES

A. Introduction

The Committee debated at length the pros and cons of the various procedures that are being used around the State, including procedures in which:

- (1) the case is forwarded to the court of common pleas for further proceedings;
- (2) the preliminary hearing is deemed waived, and the case then proceeds as though the hearing had been held;
- (3) the preliminary hearing is held in the defendant's absence;
- (4) the district justice issues a warrant, and the case remains open at the magisterial district level until the defendant is arrested; or
- (5) the district justice combines one or more of the above.

Ultimately, the Committee majority agreed that the procedure most likely to address the points raised by the correspondents and to protect the rights of the defendant would be one in which the case is forwarded to the court of common pleas for further proceedings. We also agreed that the rules would have to make it clear that before a case may be forwarded, the issuing authority must consider whether the defendant received notice of the preliminary hearing and whether there was a good reason which would explain the defendant's failure to appear.

In view of these considerations, we settled on the following scheme, which we believe is a fair and reasonable set of procedures for handling cases in which a defendant fails to appear for the preliminary hearing.

(a) When a defendant fails to appear for the preliminary hearing, the issuing authority is required to make a determination that the defendant had notice of the preliminary hearing.

(b) If the issuing authority determines that the defendant had notice, the issuing authority must wait 10 days before taking any action in order to give the defendant an opportunity to explain why he or she failed to appear.

(c) If the issuing authority determines that the defendant did not have notice, or that the defendant provided good cause to explain his or her failure to appear, the issuing authority must continue the hearing to a date certain and send notice of the new date and time of the hearing.

(d) If the issuing authority determines that the defendant had notice, absent a showing of good cause by the defendant within the ten-day period, the district justice must forward the case to the court of common pleas for further proceedings.

B. Rule 143 (Disposition of Case at Preliminary Hearing)

Although a number of rules must be amended to accommodate the new procedure outlined above, the Committee agreed to incorporate the requirement that the issuing authority must forward the case to the court of common pleas for further proceedings into Rule 143 (Disposition of Case at Preliminary Hearing).¹

The new procedure is contained in paragraph (D), which begins by prohibiting the issuing authority from issuing a warrant for the arrest of the defendant.² The Committee is recommending this prohibition because, having agreed that when a defendant fails to appear for the preliminary hearing, the case will move forward to the court of common pleas, we did not want to build into the process a warrant procedure which would invariably delay these cases at the magisterial district level. In addition, the prohibition will eliminate the problem of monitoring these warrants, which, under present practice, frequently remain outstanding even after the case is forwarded to the court of common pleas. Rule 113, which currently authorizes an issuing authority to issue a warrant for a defendant who fails to appear for the preliminary hearing when the case is instituted by summons, would also be amended to delete the warrant procedure.

Rule 143(D)(1) requires that the issuing authority determine whether the defendant received notice of the preliminary hearing. See Section C below for the discussion of the related rule changes concerning the new notice provisions. Subparagraphs (1)(a) through (1)(c) set forth the methods of providing notice to the defendant, including "through defendant's attorney of record." The Committee agreed that this method of providing notice should be recognized in the rules since it occurs on a regular basis, particularly when the attorney is privately retained.

If the issuing authority determines that the defendant received notice, paragraph (D)(2) requires that the issuing authority wait ten days after the date scheduled for the preliminary hearing before taking any further action.

This ten-day waiting period affords the defendant an opportunity to explain why he or she failed to appear. We recognize that occasionally there are legitimate reasons why a defendant fails to appear, such as being involved in an accident on the way to court or a sudden illness, and we did not want to unfairly penalize these defendants. However, the burden is on the defendant or the defendant's attorney, to contact the district justice and provide the "good cause," and this must be done within the ten-day time limit. Absent the defendant providing good cause, the issuing authority is directed to forward the case to the court of common pleas for further proceedings.

Paragraph D(2)(a)—(c) set forth the procedures the issuing authority must follow after determining that the defendant received notice and did not provide good cause for his or her failure to appear. Subparagraph (2)(a) requires that the issuing authority indicate on the transcript that the defendant failed to appear and that the defendant failed to provide good cause explaining the failure to appear. This will provide a record of the issuing authority's findings concerning the defendant's failure to appear when the case is forwarded.

Subparagraph (2)(b) requires the issuing authority to make a probable cause determination if one has not been previously made. This requirement has been added to address the Committee's concerns about being forwarded to the court of common pleas without a probable cause determination having been made by a judicial officer, which frequently occurs in those cases in which a defendant is to appear for a preliminary hearing pursuant to a summons.

Subparagraph (2)(c) sets forth the requirement that the issuing authority forward the case to the court of common pleas for further proceedings. The Committee considered whether the rules should elaborate on "further proceedings." We concluded that the rules should not directly define "further proceedings," nor should they address specific issues, such as whether a common pleas court judge could remand the case for a preliminary hearing or conduct the preliminary hearing. However, we agreed that Rule 146 (Return of Transcript and Original Papers), Rule 224 (Withdrawal of Charges by Attorney for the Commonwealth), and Rule 225 (Information: Filing, Contents, Function) should be amended to make it clear that a case which has been forwarded pursuant to Rule 143(D) is to proceed under these rules in the same manner as a case that is held for court following a preliminary hearing. See Section D below for the discussion of these amendments.

Paragraph (D)(3) sets forth the procedures that the issuing authority must follow if he or she finds that the defendant did *not* receive notice or finds that there was good cause explaining the defendant's failure to appear. The issuing authority must continue the preliminary hearing to a specific date and time, and give notice as provided in Rule 142 (Continuance of A Preliminary Hearing). See Section C.2 below for a discussion of the amendments to Rule 142.

Paragraph (D)(4) addresses the Committee's concern that, in those cases in which no attorney for the Commonwealth is present at the preliminary hearing, the attorney for the Commonwealth would not be aware that a case was forwarded to the court of common pleas or was continued. Paragraph (D)(4) remedies this problem by requiring that the issuing authority notify the attorney for the Commonwealth that the defendant failed to appear and indicate on the notice whether the case was forwarded or continued. This paragraph also provides for

¹ In addition, Rule 141 will be amended to make it clear that Rule 141 only applies to the procedures governing the preliminary hearing itself.

² This prohibition does not apply to cases in the Philadelphia Municipal Court. See Section E below.

notice to "any other designated court official" to accommodate local administrative practices concerning the processing of court cases forwarded by the district justice.

C. Rule Changes Related to Notice Issues

1. Notice of the Preliminary Hearing: Rules 110, 112, 140, and 9024

In developing the new procedures for handling failures to appear, the Committee was particularly concerned about how to ensure that the defendant receives notice of the preliminary hearing, or notice of the new date and time when a preliminary hearing is continued, and spent a great deal of time working on this issue.

Notice of the date and time of a preliminary hearing, as provided in the present rules, is given to a defendant in one of two ways.³ When a defendant appears for a preliminary arraignment, notice of the date and time for the preliminary hearing is given to the defendant in person. *See* Rule 140(E)(2). When the case is begun by summons, the summons sets forth the date and time for the preliminary hearing, *see* Rule 110, and is served by certified mail, return receipt requested, *see* Rule 112.

(a) Notice In Summons: Rule 112 (Service of Summons: Proof of Service)

The rules do not address how a district justice is to determine whether the defendant actually received a summons that was mailed, and the Committee agreed that the rules should provide guidance in this area. In deciding how to best accomplish this, we looked to the Rules of Civil Procedure to see how this matter was handled in civil cases. Pa.R.Civ.P. 405 (Return of Service) provides, *inter alia*, that proof of service by mail

shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service and the plaintiff thereafter has served the defendant by ordinary mail,

(1) the returned letter with the notation that the defendant refused to accept delivery, and

(2) an affidavit that the letter was mailed by ordinary mail and was not returned within fifteen days after mailing.

The Committee agreed that a provision comparable to this, but modified for criminal practice, would allay the members' concerns about service by mail, and propose the following amendments to Rule 112 (Service of Summons):

1. The title would be amended to include "proof of service."

2. The present text of the rule would become paragraph (A), and would be amended to require service of the summons by both first class mail and certified mail, return receipt requested.

3. New paragraph (B), modeled on the procedures in Civil Rule 405(c), sets forth what constitutes proof of service of a summons by mail.

(b) Oral and Written Notice at Preliminary Arraignment: Rule 140 (Preliminary Arraignment)

The Committee is proposing amendments to Rule 140 which require that the notice of the preliminary hearing is to be given to the defendant at the preliminary arraignment *both* orally and in writing. We agreed that adding the requirement that the notice of the preliminary hearing be in writing would increase the likelihood that a

defendant would remember the information he or she received at the preliminary arraignment.

(c) Rule 9024 (Notice of Court Proceeding(s) Requiring Defendant's Presence)

Recognizing that the requirements for notice in Rule 9024 are different from the proposed requirements in Rules 110, 112, and 140 for notice of the preliminary hearing, the Committee agreed that Rule 9024 should be amended to make it clear that Rule 9024 does not apply to notice of preliminary hearings.

2. Notice of Consequences of Failing to Appear for Preliminary Hearing: Rules 110 and 140

The Committee agreed that, with the implementation of the new procedure under Rule 143(D), it is essential that a defendant receives notice of the consequences of his or her failure to appear for the preliminary hearing. We also agreed that notice of the consequences should be given to the defendant when the defendant receives notice of the preliminary hearing. To accomplish this, we are proposing that Rule 140(E)(2) be amended to require that the issuing authority give notice to the defendant that:

failure to appear for the preliminary hearing will result in the case being forwarded to the court of common pleas for further proceedings, unless, within 10 days after the date scheduled for the preliminary hearing, the defendant provides the issuing authority with good cause explaining his or her failure to appear. Paragraph (E)(2)(b).

Rule 110 would require that the summons include the same language. *See* Rule 110(B)(3).

4. Notice of Continuance: Rule 142 (Continuance of A Preliminary Hearing)

Another notice issue arises when a preliminary hearing is continued. Our review of Rule 142 revealed that the rule does not provide for notice of the new date and time set for the preliminary hearing, a procedural gap the Committee agreed should be filled. Therefore, we are proposing that Rule 142 be amended to require that the issuing authority give written notice of the new date and time to the defendant, or to defendant's attorney of record, and to the attorney for the Commonwealth. *See* Rule 142(B)(1). In addition, the rule requires that service of the notice on the defendant either be given in person or by both first class mail and certified mail, return receipt requested. *See* Paragraph (B)(2). Finally, paragraph (B)(3), modeled on the Rule 9024 provisions for service on counsel, provides for service on the defendant's attorney and on the attorney for the Commonwealth either by personal delivery or by leaving a copy for or mailing a copy to the attorney at the attorney's office.

The Comment, based on the provisions in Rule 112(B), explains that, when the notice of the continuance is mailed to the defendant, proof of service by mail includes (1) a return receipt signed by the defendant, or, (2) if the certified mail is returned for whatever reason, the returned notice with the notation that the certified mail was undelivered and evidence that the first class mailing of the summons was not returned to the issuing authority within 15 days after mailing.

D. Related Amendments

1. Rules 146, 224, and 225

The procedures in Rule 146 (Return of Transcript and Original Papers), Rule 224 (Withdrawal of Charges by Attorney for the Commonwealth), and Rule 225 (Information: Filing, Contents, Function) are triggered when a defendant is held for court after a preliminary

³ Although not specifically provided for in either Rule 112 or 140, notice of a preliminary hearing may also be given to a defendant through the defendant's attorney of record. *See* Rule 143(D)(1)(c).

hearing. With the addition of the requirement that the issuing authority forward a case to the court of common pleas *for further proceedings* when a defendant fails to appear for the preliminary hearing, the Committee agreed that these rules should be amended to include this new provision. Therefore, the phrase "after a case is forwarded to the court of common pleas when a defendant has failed to appear for the preliminary hearing" has been added to Rules 146(a), 224(a), and 225(a) after the "held for court" language.

In addition to the above changes, Rule 146(b) is being amended to require that, in cases in which the defendant has failed to appear for the preliminary hearing, the issuing authority must transmit the transcript at the same time he or she forwards the case to the court of common pleas for further proceedings.

Finally, Rule 146(a) and the Comment have been amended to reflect that there are rules, other than Rules 26 and 142, which require that certain information be included in the transcript to make a record of the proceedings before the district justice.

2. Rule 231 (Presentation of Information without Preliminary Hearing)

Rule 231 sets forth the procedures for filing an information without a preliminary hearing. Paragraph (a) limits this procedure to cases in which the preliminary hearing can not be held for good cause. Aware that a defendant's failure to appear for a preliminary hearing, without more, has been construed in caselaw as not being sufficient "good cause" for filing an information without a preliminary hearing, see *Commonwealth v. Costello*, 448 A.2d 38 (Pa. Super. 1982), the Committee was concerned that, without some clarification, some judges or district attorneys would interpret this caselaw as preventing a case from moving once it was forwarded to the court of common pleas pursuant to Rule 143(D). We agreed that Rule 231 should be amended to specifically provide that in cases forwarded to the court of common pleas pursuant to Rule 143(D), the attorney for the Commonwealth is permitted to file an information without the preliminary hearing. See Rule 231(c).

E. Cases in the Philadelphia Municipal Court

As the Committee worked on the proposed new procedures for handling cases in which the defendant fails to appear for the preliminary hearing, several members voiced concerns about the impact these changes would have on the Philadelphia Municipal Court. These members pointed out that there are different considerations when the case is in the Philadelphia Municipal Court. Specifically, only cases involving felonies have preliminary hearings in Philadelphia; the Municipal Court is the only court forwarding felony cases to the court of common pleas; and the Municipal Court's administrative and monitoring systems are different and separate from the Statewide district justice computer system. In view of these differences, the Committee was persuaded that, in Philadelphia cases in which a defendant fails to appear for a preliminary hearing, the Philadelphia Municipal Court could continue to proceed under its local practice, including the issuing of bench warrants. We also wanted to give that court the option to proceed under the new procedures in Rule 143(D).

The Committee concluded that the best way to accomplish these changes was to amend Rule 6003 (Procedure

in Non-Summary Cases in Municipal Court) to specifically cover both preliminary hearings and cases in which the defendant fails to appear for the preliminary hearing. The new provision would permit Municipal Court judges to continue to issue arrest warrants for a defendant who fails to appear for the preliminary hearing. However, because the scope of Chapter 6000 is limited in present Rule 6000 (Scope of Rules) to Municipal Court cases,⁴ we were concerned that merely adding the preliminary hearing/failure to appear procedures to Rule 6003 was technically inaccurate. To correct this problem, the Committee is proposing amendments to Rules 6000, 6001, and 6003 which broaden the scope of Chapter 6000 to encompass not only Municipal Court cases, but also the preliminary procedures in cases charging felonies, including preliminary arraignments and preliminary hearings. These amendments also make it clear that, for cases in the Philadelphia Municipal Court, any procedure which is governed by a Statewide Rule of Criminal Procedure but not specifically covered in Chapter 6000 is governed by the relevant Statewide rule. See Rule 6000(b).

The amendments to Rule 6003 provide that the preliminary hearing must be conducted as provided in Rule 141 (Preliminary Hearing), and make it clear that Municipal Court judges may issue warrants for the arrest of a defendant who fails to appear for the preliminary hearing. The Comment explains that, in cases in which the defendant fails to appear for the preliminary hearing, the Municipal Court judge may either continue to follow present Municipal Court practice or follow the new Rule 143(D) procedures. See Rule 6003.E.

[Pa.B. Doc. No. 96-802. Filed for public inspection May 17, 1996, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Appointment of New Supervising Judge of the Domestic Relations Branch, Family Court Division; Administrative Order 96-4

And Now, this 30th day of April, 1996, I hereby appoint Honorable Allan L. Tereshko as Supervising Judge of the Domestic Relations Branch, Family Court Division.

By the Court

PAUL P. PANEPINTO,
Administrative Judge
Family Court Division

[Pa.B. Doc. No. 96-803. Filed for public inspection May 17, 1996, 9:00 a.m.]

⁴ Rule 6001 (Disposition of Criminal Cases—Philadelphia Municipal Court) defines a Municipal Court case as "any misdemeanor under the Crimes Code or other statutory criminal offense for which no prison term may be imposed or which is punishable by a term of imprisonment of not more than five (5) years, including any indictable offense other than a summary offense, under the Motor Vehicle laws, shall be a Municipal Court case."

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Amendments to Rules of Criminal Procedure; No. 310M96

Order

And Now, this 17th day of April 1996, the following amendment to the Chester County Rules of Criminal Procedure is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.Crim.P. 6(d).

THOMAS G. GAVIN,
President Judge

Approval by the District Attorney of Complaints and
Arrest Warrants

[101A.1.] 107 The District Attorney of Chester County having filed a Certification pursuant to Pa.R.Crim.P. **[101A,] 107** criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing:

Criminal Homicide in violation of 18 Pa.C.S.A. § 2501
Murder in any Degree in violation of 18 Pa.C.S.A. § 2502

Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503

Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504

Rape in violation of 18 Pa.C.S.A. § 3121

Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1

Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. § 3123

Sexual Assault in violation of 18 Pa.C.S.A. § 3124.1

Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125

Spousal Sexual Assault in violation of 18 Pa.C.S.A. § 3128(a) or (b)

Arson in violation of 18 Pa.C.S.A. § 3301

Robbery in violation of 18 Pa.C.S.A. § 3701(a)(1)(i) or (ii) or (iii)

Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732

Homicide by Vehicle while Driving Under Influence in violation of 75 Pa.C.S.A. § 3735

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

[Pa.B. Doc. No. 96-804. Filed for public inspection May 17, 1996, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 183]

Income

The Department of Public Welfare (Department), by this order, adopts an amendment to § 183.91 (relating to LRR, parent of an AFDC minor parent and stepparent deductions) under the authority of sections 201(2) and 403(b) of the Public Welfare Code (act) (62 P. S. §§ 201(2) and 403(b)). Section 201(2) of the act provides that the Department has the authority to promulgate regulations with approval of the Governor. Section 403(b) of the act provides that the Department will establish rules, regulations and standards consistent with the act. This amendment affects the Aid to Families with Dependent Children (AFDC) Program.

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the act of July 31, 1968 (CDL) (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)) and 1 Pa. Code § 7.4(1)(iv) because the administrative regulations relate to Commonwealth grants and benefits. Additionally, the Department finds that the proposed rulemaking procedures in section 204(3) of the CDL are unnecessary because the amendment implements a mandatory Federal requirement which will increase AFDC benefits to certain persons receiving supplemental cash assistance and will provide supplemental payments to persons heretofore ineligible. A notice of rule change was published at 24 Pa.B. 1241 (March 5, 1994) which invited public comment. No comments were received at that time.

Background

Although the notice of rule change was not published until March 5, 1994, the Department instructed county assistance offices, via Operations Memorandum 93-10-6, to implement the increased standard deduction effective October 1, 1993. The automated Client Information System was updated to reflect the \$90 deduction as of September 14, 1993. These actions were taken to ensure that affected persons were given the benefit of the increased deduction as of the October 1993, effective date.

Purpose

The purpose of this amendment is to incorporate Federal policy on deemed income into Chapter 183 (relating to income).

Need for Amendment

Federal statute at 42 U.S.C.A. § 602(a)(31), section 13742 of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. No. 103-66), increased the standard work/personal expense deduction from deemed income to \$90. This amendment to § 183.91(1)(i) is needed to incorporate Federal policy that was implemented under a notice of rule change at 24 Pa.B. 1241 into 55 Pa. Code.

Summary of Requirements

Section 183.91(1)(i) is revised to increase the standard

deduction from the income of legally responsible relatives (LRRs), parents of AFDC minor parents and stepparents from \$75 to \$90.

Affected Individuals and Organizations

This requirement affects AFDC recipients who reside with persons not receiving cash assistance whose earned income must be considered when determining eligibility and benefit amount.

Fiscal Impact

Commonwealth—Increasing the standard deduction from the income of LRRs, parents of AFDC minor parents and stepparents is expected to result in a State fund cost of \$22,000 in cash grants and \$9,000 in MA expenditures for FY 1993-94. It is anticipated that these costs will increase to \$30,000 in cash grants every year thereafter. MA costs will increase to \$17,000 for FY 1994-95 and by \$2,000 increments every year thereafter.

Public Sector—This amendment imposes no costs on the public sector.

Private Sector—This amendment imposes no costs on the private sector.

Paperwork Requirements

This amendment requires no additional forms, reports or other paperwork.

Effective Date

This amendment is effective upon publication as final rulemaking retroactive to October 1, 1993.

Sunset Date

There is no sunset date. The Department continuously reviews the AFDC program and regulations through the Federally-monitored quality control process. Also, the Department of Health and Human Services' staff conducts audits periodically on specific aspects of the program.

Public Comments

Although this amendment is being adopted without prior notice, interested persons are invited to submit written comments within 30 days from the date of the publication for consideration by the Department as to whether the amendment should be revised. The comments should be sent to the Department of Public Welfare, Patricia H. O'Neal, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users), or may use a Department TDD by calling (717) 787-3616. Persons who require another alternative should contact India Wood at (717) 783-2212.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), the Department submitted a copy of this amendment with proposed rulemaking omitted on February 21, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House

Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the amendment was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, this amendment was approved by the Committees on March 12, 1996, and was approved by IRRC on March 21, 1996.

Findings

The Department finds that:

(1) Public notice of intention to amend the administrative regulation amended by this order is omitted in accordance with section 204(1)(iv) of the CDL and 1 Pa. Code § 7.4(1)(iv) because the administrative regulation relates to Commonwealth grants and benefits. Additionally, the procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are necessary because this amendment has been implemented under a notice of rule change effective March 5, 1994, and no public comments have been received by the Department.

(2) The adoption of this amendment in the manner provided in this order is necessary and appropriate for the administration and enforcement of the act.

Orders

The Department, acting under the act, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 183, are amended by amending § 183.91 to read as set forth in Annex A to this order, with ellipses referring to the existing text of the regulation.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to October 1, 1993.

FEATHER O. HOUSTOUN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 1605 (April 6, 1996).)

Fiscal Note: 14-427. (1) General Fund;

	<i>Cash Grants</i>	<i>MA-Output.</i>
(2) Implementing year 1993-94 is	\$22,000	\$ 9,000
(3) 1st succeeding year 1994-95 is	\$30,000	\$17,000
2nd succeeding year 1995-96 is	\$30,000	\$19,000
3rd succeeding year 1996-97 is	\$30,000	\$21,000
4th succeeding year 1997-98 is	\$30,000	\$23,000
5th succeeding year 1998-99 is	\$30,000	\$25,000
		<i>MA-</i>
	<i>Cash Grants</i>	<i>Outpatient</i>
(4) FY 1993-94	\$724,632,000	\$623,050,000
FY 1992-93	\$698,726,000	\$594,642,000
FY 1991-92	\$673,770,000	\$519,763,000

(7) Cash Grants and MA-Outpatient; (8) recommends adoption. These changes are mandated by the Federal Government and can be absorbed within the current appropriations.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

CHAPTER 183. INCOME

INCOME DEDUCTIONS

§ 183.91. LRR, parent of an AFDC minor parent and stepparent deductions.

The following deductions are taken from the verified gross income of an LRR, parent of an AFDC minor parent, and stepparent, living with the applicant or recipient, to determine the income deemed available to a budget group:

(1) From earned income, deduct work and personal expenses as follows:

(i) For AFDC-related cases, the first \$90 of earned income from full-time or part-time employment.

* * * * *

[Pa.B. Doc. No. 96-805. Filed for public inspection May 17, 1996, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AFFAIRS

[16 PA. CODE CH. 15]

Neighborhood Assistance Program; Special Program Priorities and Enterprise Zone Tax Credit Program

The Department of Community Affairs (Department) proposes to amend §§ 15.41b and 15.49a (relating to special program priorities and Enterprise Zone Tax Credit Program-special program priorities). These amendments are proposed under the authority of Article XIX-A of the Tax Reform Code of 1971 (act) (72 P. S. §§ 8901-A—8960-A).

Summary and Purpose

The Department has the responsibility for administering Pennsylvania Neighborhood Assistance Act Tax Credit Programs under the act. Section 1905-A of the act (72 P. S. § 8905-A) directs the Secretary of Community Affairs, during each fiscal year, to promulgate, with the approval of the Governor, regulations establishing special program priorities for these programs.

Neighborhood Assistance Tax Credit Program

The objective of the NAP Tax Credit Program is to encourage private businesses to contribute toward improvements in impoverished neighborhoods throughout this Commonwealth. To meet this objective, section 1905-A of the act authorizes the Department of Revenue to grant tax credits to certain business firms approved by the Department which contribute to neighborhood organizations, or which engage directly in neighborhood improvement activities. Credits equivalent to 50% of a business firm's contribution for approved projects may be awarded for activities related to job creation, education, community services, crime prevention and other activities which tend to enhance the living conditions of people in impoverished areas. Under the Special Program Priorities of § 15.41b, contributors may earn an additional 20%, for an overall 70% tax credit.

Proposed priorities for FY 1995-96 have been amended to include a fourth priority while renaming the first priority of those established for FY 1994-95. With the addition of the fourth priority entitled Comprehensive Service Programs, which mirrors the Neighborhood Assistance Program's Comprehensive Service Program (NAP/CSP) (aka the Philadelphia Plan) established by the act in FY 1994, it became necessary to rename the former comprehensive service program priority as the Community Development Program Priority.

The community development priority is based on a project type activity which is a component of an overall community development plan for the prevention or elimination of physical blight and for education, social and economical services to aid impoverished people within an urban neighborhood or rural community. The new priority CSP proposes to transform an entire distressed community into a healthy stable community through the long term joint efforts of a neighborhood/community organization and a major corporate sponsor for the development and implementation of a Strategic Neighborhood Revitalization Plan over a minimum of a 5-year period. This new

priority is being included due to the over subscription to the NAP/CSP and the Department's goal of expanding NAP/CSP beyond the city of Philadelphia. By including this priority the Department will be able to expand the original NAP/CSP \$2 million tax credits to a total of \$3 million tax credits at the 70% rate.

The Low-Income Housing Program priority has been renamed the Affordable Housing Program, but no changes have been made in the program requirements.

Enterprise Zone Tax Credit Program (EZP)—Special Program Priorities

The EZP was established by section 1905-A of the act to encourage private companies to invest in enterprise zones that have been designated by the Department. Currently, 52 zones have been selected in various municipalities throughout this Commonwealth.

Special program priorities adopted for Fiscal Year 1995-96 continue the priorities that have been in effect for several years.

Benefits and Costs

The proposed amendments will continue the tax credits to corporations and businesses that contribute to or administer projects under the NAP and to private companies that rehabilitate land and buildings in impoverished areas designated as enterprise zones. Credits represent a proportionate reduction in State corporate tax revenues; however, the costs are substantially justified by the effect of the NAPs in creating and retaining jobs and ameliorating the factors which tend to cause poverty within this Commonwealth. The amendments have no measurable cost-effect upon local governments.

Paperwork Requirements

Organizations interested in participating in the Neighborhood Assistance Act Special Program for NAP shall submit an addendum to their original NAP proposal. The original proposal is submitted on an NAP form with supporting documentation.

Private companies and neighborhood organizations interested in participating in the EZP shall submit an addendum to their original EZP project application proposal using the Bureau of Human Resources' proposal format.

Consideration of Public Comment

Persons wishing to comment on the proposed amendments may do so within 30 days following publication in the *Pennsylvania Bulletin*. Written comments should be directed to Dennis Darling, whose address and telephone number are set forth in this Preamble.

Contact Person

For further information, contact Dennis Darling, Director, Bureau of Human Resources, Room 358 Forum Building, Harrisburg, PA 17120, (717) 787-1985.

Sunset Date

As long as authorization for tax credits is provided for by the act, these regulations will be needed. The regulations, by law, are monitored on an annual basis and updated as needed.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of

these proposed amendments on May 8, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Urban Affairs and the Senate Committee on Local Government. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

WILLIAM C. BOSTIC,
Secretary

Fiscal Note: 5-61. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 16. COMMUNITY AFFAIRS

PART I. DEPARTMENT OF COMMUNITY AFFAIRS

Subpart C. BUREAU OF RECREATION AND CONSERVATION

CHAPTER 15. NEIGHBORHOOD ASSISTANCE PROGRAM

TAX CREDITS

§ 15.41b. Special program priorities.

For Fiscal Year [1994-95] 1995-96, the special program priorities will be accepted in [three] four categories: **Community Development**, **Comprehensive Services**, [**Low Income**] **Affordable Housing Programs** and **Enterprise Zone Programs**. Projects in each category shall relate to activities which will improve the physical and economic environment of low income neighborhoods or which will contribute to neighborhood stabilization by reversing patterns of deterioration and blight. The projects shall demonstrate the local commitment through partnerships of community based organizations, local government and the private sector. The following paragraphs set forth the requirements for the project to be eligible for tax credit valuation of 70%.

(1) [**Comprehensive Service**] **Community Development Program**. Required program characteristics include the following:

* * * * *

(ii) Project activities shall [**provide**] be included in a [**comprehensive**] **community development plan** for the prevention or elimination of physical blight and for educational, social and economic services to aid impoverished people within an urban neighborhood or rural community [**or be a component of the comprehensive plan**]. A [**comprehensive plan**] **Community Development Project** shall include the components of clauses (A) and (B), and two of the remaining components in clauses (C)—(F).

* * * * *

(2) [**Low-income**] **Affordable housing programs**. Applicants shall be limited to nonprofit neighborhood organizations who produce or preserve through renovation, repair, rehabilitation or new construction affordable housing for low-income persons meeting the following requirements:

* * * * *

(4) **Comprehensive Service Programs**. A program that proposes to transform a distressed community into a healthy stable community through the long term joint efforts of a neighborhood/community organization and a major corporate sponsor for the development and implementation of a Strategic Neighborhood Revitalization Plan. Required program characteristics include the following:

(i) Program activities shall be eligible for the 50% tax credit program as set forth in § 15.22 (relating to submission of proposals).

(ii) Program activities shall benefit low income persons whose family income is no more than 125% of the official poverty line established by the Federal Office of Management and Budget or residents of an economically distressed community. The distressed community shall be specified by geographic boundaries in the plan.

(iii) The program shall have a major corporate sponsor who makes a significant commitment of contributed cash as well as other in-kind services, such as financial advice, legal counsel, public relations, architectural assistance, managerial advice or other expertise that may be available within its corporate structure.

(iv) The program shall include the following areas of concern of the economically distressed neighborhood:

(A) **Housing**—To substantially improve housing for residents and provide for them both ownership and rental opportunities.

(B) **Education**—To raise the educational and job readiness levels of community residents.

(C) **Health & Social Services**—To build capacity of community/neighborhood based organizations and to work creatively with county and State agencies so that social and health services are available for all residents including senior citizens and children.

(D) **Community Development**—To encourage and assist neighborhood based community development, particularly along the commercial districts, which will create jobs for area residents.

(E) **Job Training**—To create job training and referral services for adults and young people, including summer job programs for "in-school" youth.

(F) **Crime Prevention**—To develop, in cooperation with State and local law enforcement agencies, local school districts, county and State health departments, an educational program for drug prevention and anti-violence initiatives.

(G) **Community Participation**—To enhance volunteer recruitment, training, placement and recognition to support comprehensive service project coalitions so that every resident becomes an active and effective citizen.

(v) The program shall include a Comprehensive Service Plan that contains four essential components for the revitalization of a distressed neighborhood.

(A) *Community Partnerships.*—This component explains how community/neighborhood based organizations will transform a distressed neighborhood into a healthy community by creating significant and lasting partnerships among community based organizations, the private sector, and local and State government and the respective resources available.

(B) *Strategic Neighborhood Revitalization Plan.*—This component is designed to provide a cohesive, coordinated plan of action, with strong community support for the project. The plan should include an assessment of needs, identification of resources, assignment of priorities and determination of appropriate course of action and be organized to support a plan of action over a minimum of a 5-year period.

(C) *Implementation of Revitalization Plan.*—This component sets forth the neighborhood's/community's vision for the future and identifies specific activities and resources needed to accomplish the tasks.

(D) *Evaluation.*—This component establishes an assessment mechanism for measuring the status and progress of proposed activities in meeting the overall comprehensive service goals for the revitalization of the distressed community.

(vi) The program shall include a detailed budget that is a coordinated plan of financial action that supports the development and implementation of the proposed revitalization plan for the community/neighborhood.

[(4)] (5) *Limitation.* During Fiscal Year [1994-95] 1995-96, the Department will allocate no more than \$ [1] 1.3 million of the available tax credits for valuation at 70%. No more than \$1 million dollars of the tax credits will be allocated to the combined applicants for Community Development and Affordable Housing Projects, and no more than \$300,000 will be awarded for Comprehensive Service Programs. Approval of projects under special program priorities will be contingent upon the availability of tax credits.

[(5)] (6) *Applicability.* The special program priorities in this section shall be applicable to programs implemented during Fiscal Year [1994-95] 1995-96.

TAX CREDITS FOR THE ENTERPRISE ZONE TAX CREDIT PROGRAM

§ 15.49a. Enterprise Zone Tax Credit Program—special program priorities.

(a) *Applicability.* The special program priorities in this section are applicable to projects for the Fiscal Year [1994-95] 1995-96.

(b) *Special program priority status.* For the Fiscal Year [1994-95] 1995-96 special program priority status may be granted for projects that will provide employment opportunities for low-income residents of this Commonwealth, or enhance public facilities. If approved under this section, projects will receive tax credits equal to 30% of eligible project costs, up to the maximum amount approved by the Department. The Commonwealth will

consider all 20% tax credit requests prior to consideration of 30% tax credit addendum requests for Fiscal Year [1994-95] 1995-96. To qualify for the 30% tax credit, projects shall submit an addendum that addresses the following requirements:

* * * * *

[Pa.B. Doc. No. 96-806. Filed for public inspection May 17, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 5, 37, 53, 56, 65, 69 AND 71]

[L-00950112]

Wastewater Utilities

The Pennsylvania Public Utility Commission (Commission) adopted a proposed rulemaking to amend relevant sections of Title 52 regarding sewer utilities and the provision of sewer service. The words "sewer" and "sewerage" shall be changed to reflect current industry standard terminology. The contact persons are Stanley E. Brown, Assistant Counsel, Law Bureau, telephone (717) 783-3968 and Shirley M. Leming, Regulatory Coordinator, Law Bureau, telephone (717) 772-4597.

Executive Summary

On December 14, 1995, the Commission adopted a proposed rulemaking to amend relevant sections of Title 52 regarding sewer utilities and the provision of sewer service. The words "sewer" and "sewerage" have been changed to reflect the current industry standard terminology.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of these proposed amendments on April 30, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting these proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed amendments, they will notify the Commission within 20 days from the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Commission within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of any objections raised.

Two sections from Chapter 69, General Orders, Policy Statements and Guidelines (§§ 69.362 and 69.363) have been included with these regulations in order to reflect with changes in current industry standard terminology at the same time.

Public meeting held
December 14, 1995

Commissioners Present: John M. Quain, Chairperson;
Lisa Crutchfield, Vice Chairperson; John Hanger; David
W. Rolka; and Robert K. Bloom

Proposed Rulemaking Order

By the Commission:

The Public Utility Code gives the Commission broad authority to regulate all public utilities doing business within this Commonwealth. The Commission for many years has promulgated regulations to respond to changes in legislation, technology and the economy in order to meet the essential needs of the public and the utilities it regulates.

The Commission adopted an order on April 27, 1995, to proceed with an Advance Notice of Proposed Rulemaking to review regulations identifying obsolete and excessive requirements for the purpose of amending or deleting these regulations. A notice was published in the *Pennsylvania Bulletin* on June 3, 1995, 25 Pa.B. 2188. Comments were received from jurisdictional utilities, utility associations and the Office of Consumer Advocate. As a result of this action a number of proposed regulations were adopted by the Commission.

Also, a direct result of the above actions is this proposed regulation to amend relevant sections of Title 52 of the *Pennsylvania Code* regarding sewer utilities and the provision of sewer service. The words "sewer" and "sewerage" shall be changed to "wastewater" as in wastewater service or wastewater facility. This amendment will update these industry terms in the *Pennsylvania Code* to current industry standard terminology.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Documents Law (45 P.S. § 1201 et seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, the Commission amends the regulations set forth in Annex A. *Therefore,*

It Is Ordered That:

1. A rulemaking docket is opened to update the nomenclature regarding sewer regulations as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.

3. The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for informal review and comment by the designated standing committees of both Houses of the General Assembly, and for informal review and comment by the Independent Regulatory Review Commission.

5. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau, *Pennsylvania Code* and *Bulletin* office for publication in the *Pennsylvania Bulletin*.

6. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, an original and 10 copies of any comments concerning this order should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JOHN G. ALFORD,
Secretary

Fiscal Note: 57-168. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION**

Subpart A. GENERAL PROVISIONS

CHAPTER 5. FORMAL PROCEEDINGS

APPLICATIONS

§ 5.14. Applications requiring notice.

* * * * *

(b) Except as set forth in §§ 3.361—3.363, 3.381, 3.501 and 57.71, 57.72, 57.74—57.77 or as otherwise provided by the Secretary, application to the Commission for the following types of authority [**shall**] **will** be published in the *Pennsylvania Bulletin* and, as directed by the Secretary, in a newspaper of general circulation serving the geographical territory affected by the application and shall be subject to a 15-day protest period:

(1) To initiate fixed utility service to the public, including [, **but not limited to**] the following:

* * * * *

(v) [**Sewer**] **Wastewater.**

* * * * *

(2) To initiate, in a different nature or to a different territory than is currently authorized, fixed utility service to the public, including [, **but not limited to**] the following:

* * * * *

(v) [**Sewer**] **Wastewater.**

* * * * *

(3) To abandon, in whole or in part, fixed utility service to the public, including [, **but not limited to**] the following:

* * * * *

(v) [**Sewer**] **Wastewater.**

* * * * *

**CHAPTER 37. SAFETY CODE FOR
TRANSPORTATION OF PROPERTY AND
PASSENGERS**

Subchapter A. GENERAL PROVISIONS

§ 37.202. Definitions.

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

* * * * *

Direct assistance—Transportation and other relief services provided by a motor carrier or its drivers incident to the immediate restoration of essential services—such as, electricity, medical care, [**sewer**] **wastewater**, water, telecommunications and telecommunication transmissions—or essential supplies—such as food and fuel. The term does not include transportation related to long term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed.

* * * * *

CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS

INFORMATION FURNISHED WITH THE FILING OF RATE CHANGES

§ 53.52. Applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies.

* * * * *

(b) Whenever a public utility other than a canal, turnpike, tunnel, bridge or wharf company files a tariff, revisions or supplement which will increase or decrease the bills to its customers, it shall submit in addition to the requirements of subsection (a), to the Commission, with the tariff, revision or supplement, statements showing [all of] the following:

* * * * *

(2) The operating income statement of the utility for a 12-month period, the end of which may not be more than 120 days prior to the filing. Water and [sewer utilities] wastewater utilities with annual revenues under \$100,000 and municipal corporations subject to Commission jurisdiction may provide operating income statements for a 12-month period, the end of which may not be more than 180 days prior to the filing.

* * * * *

CHAPTER 56. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL UTILITY SERVICE

Subchapter A. PRELIMINARY PROVISIONS

§ 56.2. Definitions.

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

* * * * *

Billing period—In the case of public utilities supplying gas, electric and steam heating service, the billing period shall conform to the definition of a billing month; in the case of water and [sewer] wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the utility. Ratepayers shall be permitted to receive bills monthly and shall be notified of their rights thereto.

* * * * *

Utility—A public utility or a municipality, subject to Commission jurisdiction, which provides electric, gas, steam heat, [sewer] wastewater or water service.

CHAPTER 65. WATER SERVICE

§ 65.1. Definitions.

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

* * * * *

Nonessential uses of water—Nonessential uses of water include:

* * * * *

(viii) The use of water to flush a [sewer] wastewater line or [sewer] wastewater manhole.

* * * * *

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

PENNVEST LOAN OBLIGATIONS FOR WATER AND [SEWER] WASTEWATER COMPANIES—STATEMENT OF POLICY

§ 69.361. General.

PENNVEST loans were established to provide funding to water and [sewer] wastewater companies for improvements of drinking water and [sewage] wastewater treatment facilities in this Commonwealth. The Commission is required to establish expedited practices, procedures and policies to facilitate and accomplish repayment of the loan obligations. See section 14 of the PENNVEST Act (35 P.S. § 751.14). Companies with outstanding PENNVEST loans not currently reflected in rates and companies that will receive PENNVEST loans in the future are encouraged to establish, under 66 Pa.C.S. § 1307(a) (relating to sliding scale of rates; adjustments) and subject to Commission approval, an automatic adjustment by means of a sliding scale of rates limited solely to the recovery of PENNVEST principal and interest obligations, instead of seeking recovery of these amounts under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates) base rate filing.

§ 69.362. Definitions.

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

[DER] *DEP*—The Department of Environmental [Resources] Protection of the Commonwealth.

* * * * *

§ 69.363. Treatment of PENNVEST obligations.

(a) Water and [sewer] wastewater companies with outstanding PENNVEST obligations that have not been reflected in rates or future PENNVEST obligations, may establish under 66 Pa.C.S. § 1307(a) (relating to sliding scale of rates; adjustments) an automatic adjustment by means of a sliding scale of rates or other method limited solely to recovery of the company's PENNVEST principal and interest obligations.

* * * * *

(d) Rate recovery under a 66 Pa.C.S. § 1307(a) PENNVEST automatic adjustment by means of a sliding scale of rates or other method may be approved only after the receipt of the following:

(i) [DER] *DEP* inspection.

* * * * *

CHAPTER 71. FINANCIAL REPORTS

§ 71.1. Statement of purpose.

This chapter establishes uniform and industry-wide financial reporting requirements designed to improve the Commission's ability to monitor on a regular basis the

financial performance and earnings of the electric, gas, telephone, water and [sewer] wastewater public utilities subject to Commission jurisdiction.

[Pa.B. Doc. No. 96-807. Filed for public inspection May 17, 1996, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 69 AND 111]

Fishing and Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 69 and 111 (relating to fishing in Lake Erie and boundary lakes; and special regulation counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments deal with fishing and boating.

A. *Effective Date*

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1997, or upon publication of an order adopting the regulations, whichever comes later.

B. *Contact Person*

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

C. *Statutory Authority*

These proposed amendments are published under the statutory authority of sections 2102 and 5124 of the code.

D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve Commission regulations on fishing and boating. The specific purpose for the various amendments is described in more detail under the summary of proposal.

E. *Summary of Proposals*

(a) *Seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries*, §§ 69.12 and 69.13. The Commission is proposing amendments that would change bass size to a minimum of 20" and the daily creel to one from the first Saturday after April 11 through midnight Friday preceding the first Saturday after June 11. The proposed changes also would prohibit bass tournaments during the trophy bass season on Lake Erie and Presque Isle Bay.

(b) *Bucks County, Delaware River*, § 111.9(e). The New Hope Borough Council and the Solebury Township Supervisors have joined forces to request that several slow, minimum height swell speed zones be created on the Delaware River in their respective municipalities. At its July 1995, meeting, the Commission accepted the petition and ordered the publication of a notice of proposed rulemaking to establish slow no wake zones under three Delaware River bridges and a 3,000 foot area near Lumberville. At the same time, staff was directed to investigate and prepare a report on the proposed no wake zone at New Hope Borough. Although there is little in the record that would indicate that the safety of boat opera-

tors is inordinately compromised in this area by high speed operation, the character of this historic community deserves consideration. The Delaware River is not a large water body. Boating has traditionally amounted to unpowered and small fishing boats. The influx of personal watercraft and other modified outboard driven boats and the resultant noise and congestion has raised the ire of community residents who are finding lifestyles adversely changed. It was therefore proposed that an additional slow, minimum height swell speed zone be established from the Lambertville wing-dam to the New Hope Lambertville Bridge. The Boating Advisory Board (Board) discussed this item at its January 1996 meeting. The Board recommended approval with one change. The Board recommended that the proposed slow, minimum height swell speed zone be effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

(c) *Luzerne County, Harveys Lake*, § 111.40(f). The Pennsylvania Marine Trades Association has submitted a petition asserting that the current regulations establishing a nighttime speed limit on Harveys Lake unnecessarily restrict the use of its boats and waterways and infringes upon its members' rights as free and responsible citizens. At its July 1995 meeting, the Commission accepted this petition and directed staff to prepare a report and make recommendations relative to the continuation of these regulations. Staff have reviewed the record concerning Harveys Lake. After considering the information contained in the file, staff recommend that the operation of boats during nighttime hours at slow, minimum height swell speed be replaced with a speed limit of 25 miles per hour. The Board reviewed this proposal at its January 1996 meeting and recommended approval.

(d) *Susquehanna County, Laurel Lake*, § 111.58(d). The Laurel Lake Association, Inc. Boating Committee has petitioned the Commission to reconsider the current 60 hp restriction on Laurel Lake, Susquehanna County. The petitioners cite the size of the lake (22 acres), more stringent restrictions on lakes of similar size, environmental concerns of the use of gasoline motors on such a small lake, the lack of enforcement by the Commission of current restrictions and interference with other uses of the lake caused by high speed operation of motorboats as valid reasons for the reconsideration. The Commission accepted the petition for further review at its July 1995 meeting and directed staff to prepare a report with recommendations for further action. After considering the use of the Laurel Lake and its physical constraints, staff recommend that additional restrictions on the operation of boats on this lake may be appropriate. The Board reviewed the report and staff recommendations at its January 1996 meeting. The Board voted to recommend that the Commission consider an alternative regulation. The Commission's Boating Committee then recommended that the Commission not approve the staff and Board recommendations. The Commission therefore proposes to keep the present regulations in effect with one change. The Commission is proposing to ban the operation of personal watercraft on Laurel Lake.

F. *Paperwork*

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

G. *Public Comments*

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

amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the Pennsylvania Bulletin.

PETER A. COLANGELO, Executive Director

Fiscal Note: 48A-54. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12. Seasons, sizes and creel limits—Lake Erie.

* * * * *

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsula waters:

Table with 4 columns: SPECIES, SEASONS, MINIMUM SIZE, DAILY LIMIT. Rows include Largemouth Bass and Smallmouth Bass with seasonal dates and creel limits.

*It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to seasons for fishing tournaments)) for bass on Lake Erie or Presque Isle Bay during the period from opening day of trout season in April until the first Saturday after June 11.

* * * * *

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

* * * * *

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

Table with 4 columns: SPECIES, SEASONS, MINIMUM SIZE, DAILY LIMIT. Rows include Largemouth Bass and Smallmouth Bass with seasonal dates and creel limits.

*Smelt may be taken only in that portion of Lake Erie tributaries from the mouth of the stream on a southerly direction to State Highway No. 5, a distance of approximately 1/2 mile. In taking smelt from tributary streams, devices are limited to dip nets or seines not over 20 inches square or in diameter.

**It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to seasons for fishing tournaments)) for bass on Lake Erie tributaries during the period from opening day of trout season in April until the first Saturday after June 11.

Subpart C. BOATING
CHAPTER 111. SPECIAL REGULATIONS
COUNTIES

(iii) From the Lambertville wing-dam to the New Hope-Lambertville Bridge, effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

§ 111.9. Bucks County.

* * * * *

* * * * *

§ 111.40. Luzerne County.

(e) Delaware River.

* * * * *

(1) Boats are limited to slow minimum height swell speed in the following areas:

* * * * *

(f) Harveys Lake. The speed of boats is limited to [slow, minimum height swell speed] 25 miles per hour between sunset and sunrise.

* * * * *

§ 111.58. Susquehanna County.

(d) *Laurel Lake.*

* * * * *

(5) The operation of personal watercraft is prohibited.

[Pa.B. Doc. No. 96-808. Filed for public inspection May 17, 1996, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission will hold a public hearing on Wednesday, May 22, 1996. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1 p.m. in the First Floor Meeting Room of the Rachel Carson State Office Building at 400 Market Street, Harrisburg, PA.

A briefing of the Delaware River Basin's Pennsylvania legislators will be held at 11 a.m. at the same location.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Under Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Holdover Project: Borough of Berlin D-95-24 CP.* An application for approval of a groundwater withdrawal project to supply up to 27.5 million gallons (mg)/30 days of water to the applicant's distribution system from new well no. 12, and to limit the withdrawal from all wells located within the Delaware River Basin to 27.5 mg/30 days. The project is located in Berlin Borough, Camden County, New Jersey. This hearing continues those of March 26, 1996 and April 24, 1996.

2. A request by C S Water & Sewer Associates to extend the deadline completion and operation date in Condition "g." of Docket No. D-76-21 (Revised) from May 1 to June 30, 1996. Delay in securing funding postponed the construction start until April 23, 1996. No other changes are requested.

3. *Birmingham Township Sewer Authority D-95-52 CP.* A project to expand a 40,000 gallons per day (gpd) sewage treatment plant (STP) to ultimately treat an average monthly flow of 80,000 gallons per day (gpd) which will serve the residential developments of the Ridings of Chadds Ford and the Ridings II, both located approximately 1/2 mile west of U. S. Route 202 in Birmingham Township, Delaware County, PA. The STP will provide advanced secondary biological treatment utilizing the

activated sludge process and tertiary filtration. After disinfection, treated effluent will be discharged to an unnamed tributary of Harvey Run.

4. *Borough of Fleetwood D-95-58 CP.* An application for approval of a groundwater withdrawal project to supply up to 17.3 mg/30 days of water to the applicant's distribution system from new well no. 13, and to limit the existing withdrawal limit from all sources to 27.5 mg/30 days. The project is located in Fleetwood Borough, Berks County, PA.

5. *Lower Salford Township Authority D-95-63 CP.* A project to construct a 0.90 million gallons per day (mgd) average monthly capacity STP to serve the eastern drainage area of Lower Salford Township, Montgomery County, PA. The STP will provide secondary biological treatment utilizing an orbital oxidation ditch and will also provide tertiary filtration and ultraviolet disinfection. The STP will treat excess hydraulic overload at a maximum monthly average of 1.976 mgd. The STP will be located approximately 1,000 feet north of State Route 63 and just west of Skippack Creek, to which it will discharge, in Lower Salford Township, Montgomery County, PA.

6. *Pennsylvania-American Water Company D-96-12.* A project to treat up to 72,000 gpd of water captured from dewatering operations during construction of the applicant's new water treatment plant located in the Borough of Norristown, Montgomery County, Pennsylvania, and situated just downstream of the Danne Hower Bridge on the north bank of the Schuylkill River. The dewatering facilities will convey water contaminated with Diesel Range Organics (DROs) and oil and grease to the applicant's proposed treatment facilities including Particle Bay Filters and carbon adsorption units.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 96-809. Filed for public inspection May 17, 1996, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 7, 1996.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-3-96	National City Corporation, Cleveland, Ohio, to acquire 100% of the voting shares of Integra Financial Corporation, Pittsburgh, PA	Cleveland, Ohio	Effective

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-7-96	BT Financial Corporation, Johnstown, to acquire 100% of the voting shares of Moxham Bank Corporation, Johnstown	Johnstown	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-7-96	First Commonwealth Bank Indiana Indiana County Purchase of assets/assumption of liabilities of one branch office of The Moxham National Bank, Johnstown, located at: Salem Plaza Route 22 Delmont Westmoreland County	Indiana	Approved
5-7-96	Farmers First Bank, Lititz, and Spring Grove National Bank, Spring Grove surviving institution—Farmers First Bank, Lititz	Lititz	Approved
5-7-96	Johnstown Bank and Trust Company, Johnstown, and The Moxham National Bank of Johnstown, Johnstown, and The First National Bank of Garrett, Garrett surviving institution—Johnstown Bank and Trust Company, Johnstown	Johnstown	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-1-96	Keystone Savings Bank Bethlehem Northampton County	Laneco Store 202 Chestnut St. Coplay Lehigh County	Opened
5-6-96	Old Forge Bank Old Forge Lackawanna County	540 Main Street Peckville Lackawanna County	Approved
5-6-96	Irwin Bank & Trust Company Irwin Westmoreland County	4548 Broadway Blvd. Monroeville Allegheny County	Approved
5-6-96	Orrstown Bank Orrstown Franklin County	Church of God Home 801 N. Hanover St. Carlisle Cumberland County (Limited Service Facility)	Approved
5-6-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	100—600 South Cedar Crest Boulevard Allentown Lehigh County	Filed
5-7-96	First Sterling Bank Devon Chester County	Northeast Corner of State and Jackston Sts. Media Delaware County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-1-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	540 Penn Street Reading Berks County	Effective
4-30-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	100 Carlisle Plaza Carlisle Cumberland County	Effective

SAVINGS ASSOCIATIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
5-6-96	East Stroudsburg Savings Association Stroudsburg Monroe County	U. S. Highway 209 and Edward F. Smith Blvd. Bushkill Middle Smithfield Twp. Monroe County	Filed

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-3-96	ABCON Federal Credit Union Valley Forge Chester County	North Gulph Rd. and First Ave. Valley Forge Chester County	Effective

To:

ABCON Credit Union
Valley Forge
Chester County

Represents conversion from a Federally-chartered credit union to a State-chartered credit union.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-810. Filed for public inspection May 17, 1996, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of June is 9 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such

individual occupies or has occupied as a principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 6.94 to which was added 2.50 percentage points for a total of 9.44 that by law is rounded off to the nearest quarter at 9 1/2%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-811. Filed for public inspection May 17, 1996, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

State Parks Natural Areas; Proposed Additions

<i>Name</i>	<i>Acreage</i>	<i>Park</i>	<i>Location</i>	<i>Feature</i>
Swamp Forest	246	Cook Forest	Clarion and Forest Counties, Cooksburg Quad, off PA Route 66 and North Pine Grove	Perched water table gives rise to palustrine wetland of old growth eastern hemlock and white pine at the headwaters of Brown's Run.
Mud Run	1,335	Hickory Run	Carbon County, Hickory Run Quad, north of PA Route 903	Remote mountain stream lined with rhododendron and eastern hemlock, buffered by mature hardwood forest. Stream contains a viable native trout population.
Mud Swamp	152	Hickory Run	Carbon County, Hickory Run Quad, south of PA Route 903	Remote emergent wetland containing rare plant species of concern.
Hemlock Trail	5.8	Laurel Hill	Somerset County, Bakersville Quad, off Buck Run Road	Scenic area of old growth eastern hemlock. Includes a picturesque portion of Laurel Hill Creek which contains a viable native trout population.
Neshaminy Tidal Marsh	70	Neshaminy	Bucks County, Beverly PA-NJ Quad, off State Road, Bensalem	Freshwater inter-tidal marsh along the shores of the Delaware River and Neshaminy Creek containing many rare plants.
Black Jack Swamp	725	Pymatuning	Crawford County, Leon, OH-PA and Linesville Quad, off Phelps Road	Palustrine, scrub-shrub, and emergent wetlands adjacent to Pymatuning Lake. Provides habitat for plant and animal species of concern.
Clark Island	161	Pymatuning	Crawford County, Linesville Quad, northernmost portion of Pymatuning Lake	Mature forest of hardwood and white pine containing an inland, lake-fed pond. Provides habitat for plant species of concern.
Fall Brook	34	Salt Spring	Susquehanna County, Franklin Forks, PA-NY Quad, off PA Route 29	Area contains many old growth hemlocks and includes a steep gorge with picturesque stream and series of waterfalls.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 96-812. Filed for public inspection May 17, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period

will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0001287. Industrial waste, SIC: 3296, **Armstrong World Industries, Inc.**, 1018 11th Street, Beaver Falls, PA 15010.

This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from the Beaver Falls Plant in Beaver Falls, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Walnut Bottom Run and Brighton Alley Run, classified as warm water fisheries with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Beaver Falls Municipal Authority, New Brighton Plant, located 2 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.242 mgd (from permit issuance through 3 years).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature					81°F
Total Residual Chlorine					monitor and report
pH	6.0—9.0				

Outfall 001: from 3 years after permit issuance through expiration.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature, °F					
January					44.7
February					45.1
March					58.3
April 1-15					65.7
April 16-30					71.7
May 1-15					73.0
May 16-31					87.0
June 1-15					91.5
June 16-30					95.5
July 1-31					93.0
August 1-31					92.3
September 1-15					88.2
September 16-30					82.2
October 1-15					76.2
October 16-31					70.2
November 1-15					62.7
November 16-30					53.8
December					45.5
Total Residual Chlorine			0.17		0.34
pH	6.0—9.0				

Outfall 002: stormwater runoff discharge to Walnut Bottom Run and Brighton Alley Run.

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

Outfalls 003—012: stormwater discharges to Walnut Bottom Run and Brighton Alley Run.

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

Other Conditions: Chlorine minimization, submission of chemical additives, stormwater requirements.

The EPA waiver is in effect.

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

PA 0103942. Sewage, **American Carpatho-Russian Orthodox Greek Catholic Diocese**, Camp Nazareth, 339 Pew Road, Mercer, PA 16137.

This application is for a renewal of a Part I NPDES permit to discharge treated sewage to an unnamed tributary to the Shenango River in Delaware Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Sharpsville Municipal Water Authority on the Shenango River located at Sharpsville, approximately 12 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.005 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
Total Suspended Solids	30	60
Ammonia-Nitrogen (5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,500/100 ml as a geometric average	
Total Residual Chlorine (Interim Limits)	monitor and report	
(Final Limits)	0.1	0.2
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0103411. Industrial waste, SIC: 3312. **Ellwood Quality Steel Company**, 700 Moravia Street, New Castle, PA 16101.

This application is for a renewal of an NPDES permit to discharge treated industrial waste and Group 2 stormwater to the (001) Shenango River and (002) Neshannock Creek in New Castle, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes—Shenango River and trout stocked fishery—Neshannock Creek, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver River and the Municipal Authority of the Township of North Sewickley located at North Sewickley Township, approximately 18 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0075 mgd are:

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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*This discharge shall consist of stormwater runoff only.
*Refer to Part C Special Condition concerning uncontaminated stormwater outfalls.

The EPA waiver is in effect.

PA 0035581. Sewage, **Department of Transportation**, McKean County Maintenance Facility, Star Route 1, Box 124, Cyclone, PA 16726.

This application is for renewal of a Part I NPDES permit to discharge treated sewage to unnamed tributary to Three Mile Creek in Lafayette Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 133 miles downstream from point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.00375 mgd are:

Interim Limits

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

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0018 mgd are:

Final Limits

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect

PA 0100382. Industrial waste, **Erie Coke Corporation**, P. O. Box 6180, Erie, PA 16512-6180.

This application is for renewal of an NPDES permit to discharge noncontact cooling water to the Outer Erie Harbor in the City of Erie, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water fishery. There is no potable water supply affected by this discharge.

The proposed effluent limits are:

Outfall 001—The proposed discharge limits are based upon a design average flow of 2.24 mgd.

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Temperature		100°F
pH	6.0—9.0 standard units at all times	

Outfall 002—The proposed discharge limits are based upon a design average flow of 3.26 mgd.

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60
Oil and Grease	15	30

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

The EPA waiver is in effect.

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

PA 0063428-A1. Sewerage, **Blue Mountain Ski Area**, P. O. Box 216, Palmerton, PA 18071.

This proposed action is for amendment of an NPDES permit to discharge treated sewage into Buckwha Creek in Lower Towamensing Township, **Carbon County**.

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

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>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
Total Suspended Solids	30.0	60.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.20	2.80

The EPA waiver is in effect.

PA 0063533. Sewerage, **Tobyhanna Township**, P. O. Box 880, State Avenue, Pocono Pines, PA 18350.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Tobyhanna Creek in Tobyhanna Township, **Monroe County**.

The receiving stream is classified for the following uses: high quality, cold water, aquatic life, water supply and recreation.

Effluent requirements were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.3 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Phosphorus as "P"	1.0		2.0
Dissolved Oxygen	a minimum of 5 mg/l at all times		
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1.0		2.0

The EPA waiver is in effect.

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

PA 0045560. Industrial waste, SIC: 3471, **Heritage Metal Finishing, Inc.**, 800 South Market Street, Elizabethtown, PA 17022.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Conoy Creek, in Elizabethtown Borough, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.016 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 standard units at all times		
CBOD ₅	40	80	100
Total Suspended Solids	31	60	77.5
Total Phosphorus as P	2	4	5
Oil and Grease	15		30
Total Cadmium	0.014	0.028	0.035
Total Chromium	1.71	2.77	4.3
Total Copper	0.016	0.032	0.04
Total Lead	0.06	0.12	0.15
Total Nickel	2.0	4.0	5.0
Total Silver	0.072	0.14	0.18
Total Zinc	1.0	2.0	3.0
Total Cyanide	0.65	1.2	1.6
Total Fluoride	10.6	21.2	26.5
Total Boron	10.2	20.4	25.5
Total Toxic Organics		2.13	

The proposed effluent limits for Outfall 002 for a design flow of 0.007 mgd are:

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

The EPA waiver is in effect.

PA 0086649. Industrial waste, SIC: 3325, **The Frog, Switch and Manufacturing Company**, P. O. Box 70, Carlisle, PA 17110.

This application is for issuance of an NPDES permit for an existing discharge of stormwater to sinkholes, in Carlisle Borough, **Cumberland County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located in Silver Spring Township. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfalls 001, 002 and 003 are:

“Monitor and Report Stormwater Parameters”

PA 0010502. Industrial waste, SIC: 3489, **Department of the Army**, Letterkenny Army Depot, Franklin Street Extended, Chambersburg, PA 17201-4150.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Rowe Run, in Green Township, **Franklin County**.

The receiving stream is classified for cold water fish, recreation, water supply and aquatic life. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for the industrial waste treatment facility at Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 standard units at all times		
BOD ₅	20	40	50
TSS	10	20	25
Total Phosphorus	2	4	5
Total Cadmium	0.003	0.006	0.0075
Total Chromium	0.80	1.60	2.0
Hexavalent Chromium	0.013	0.026	0.032
Total Copper	0.040	0.080	0.100
Total Lead	0.014	0.028	0.035
Total Nickel	0.612	1.2	1.5
Total Cyanide	0.65	1.2	1.6
Total Silver	0.00022	0.00044	0.00055
Oil and Grease	15	30	30
Total Toxic Organics		2.13	

The proposed effluent limits for stormwater and noncontact cooling water at Outfall 002 are:

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

The EPA waiver is not in effect.

PA 0021806. Sewage, SIC: 4952, **Township of Annville**, P. O. Box Drawer M, Annville, PA 17003.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Quittapahilla Creek, in North Annville Township, **Lebanon County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company on Swatara Creek located in South Hanover Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.75 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Suspended Solids	30	45		60
NH ₃ -N (5-1 to 10-31)	9.5			19.0
(11-1 to 4-30)	monitor			monitor
Total Phosphorus	2.0			4.0
Total Residual Chlorine Interim		monitor and report		
Final	0.34			1.11
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	5,800/100 ml as a geometric average			

The EPA waiver is in effect.

PA 0081396. Sewage, SIC: 4952, **Investment Management (Laurelwood Mobile Home Park)**, 2580 Lewisberry Road, York Haven, PA 17370.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary of Bennett Run, in Newberry Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Company located on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.0033 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10			20
(11-1 to 4-30)	20			40
Suspended Solids	20			40
NH ₃ -N (5-1 to 10-31)	6			12
(11-1 to 4-30)	18			36
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0 s.u.			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	24,000/100 ml as a geometric average			

The EPA waiver is in effect.

The proposed Final effluent limits for Outfall 001 for a design flow of 0.0033 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	10			20
(11-1 to 4-30)	20			40
Suspended Solids	10			20
NH ₃ -N				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Total Residual Chlorine	0.5			1.5
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0 s.u.			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			

The EPA waiver is in effect.

PA 0082023. Industrial waste, SIC: 4941, **Upper Leacock Township Water Department**, 115 Newport Road, P. O. Box 325, Leola, PA 17540.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to unnamed tributaries of Mill Creek and Conestoga River, in Upper Leacock Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.04 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Osmotic Pressure			58 mos
pH	6—9		

The proposed effluent limits for Outfall 002 for a design flow of 0.015 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Osmotic Pressure			80 mos
pH	6—9		

The EPA waiver is in effect.

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

PA 0051365. Industrial waste, **West Chester Area Municipal Authority** 990 Fern Hill Road, West Chester, PA 19380.

This application is for renewal of an NPDES permit to discharge treated process wastewater and stormwater from Ingram's Mill Water Filtration Plant in East Bradford Township, **Chester County**. This is an existing discharge to east branch of Brandywine Creek.

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

The proposed effluent limits for Outfall 001, based on a maximum daily flow of 0.368 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	20	40	50
Total Iron	2.0	4.0	5.0
Total Aluminum	4.0	8.0	10.0
Total Manganese	1.0	2.0	2.5
Chloroform	monitor/report	monitor/report	
Dichlorobromomethane	monitor/report	monitor/report	
Chlorodibromomethane	monitor/report	monitor/report	
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine	0.5	1.6	

The EPA waiver is in effect.

PA 0053848. Industrial waste, **James Mulry**, 1691 Horseshoe Pike, Manor Professional Building, Suite 4, Glenmoore, PA 19343.

This application is for renewal of an NPDES permit to discharge treated groundwater from an air stripper unit serving Johnson Flower Shop formerly Johnson Sunoco in Lower Merion Township, **Montgomery County**. This is an existing discharge to UNT to Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1,900 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>
Benzene	0.001	0.002	0.0025
Total BTEX	0.1	0.2	0.25
Toluene	monitor/report	monitor/report	
Ethylbenzene	monitor/report	monitor/report	
Total Xylenes	monitor/report	monitor/report	
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

TMDL Submission for EPA Approval

The Department of Environmental Protection is submitting the draft NPDES permit No. PA0026131 issued to the Upper Merion Municipal Utility Authority, Upper Merion Township, Montgomery County, as low flow total maximum daily loads (TMDLs) for zinc (total) and phenols (total), to the EPA for review and approval under 40 CFR 130.7(d). The discharge is to Trout Run—a tributary to the Schuylkill River. This draft permit was originally published in the *Pennsylvania Bulletin* on December 2, 1995, and public comments were requested.

Persons wishing to comment on the proposed action are invited to submit written comments within 30-days to Thomas Henry, TMDL Coordinator, EPA Region III, 841 Chestnut Street, Philadelphia, PA 19107-4431, with a copy to Joseph Feola, Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233. EPA review and action on this TMDL submittal is expected following the 30-day comment period.

The draft permit and related supporting documents, proposed effluent limitations, and terms and conditions of the permit, are on file and may be inspected, and arrangements made for copying, at the Department office noted above.

Persons with a disability who require assistance or other accommodation should contact the above regional office at (610) 832-6000.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0053520	Felix and Bengina Rivera 1610 Vine St. Laureldale, PA 19605	Berks Richmond Twp.	Moselem Creek	TRC D.O.
PA0084417	The Village Square R. D. 3, Box 861 Shermansdale, PA 17090	Perry Carroll Twp.	UNT to Shermans Creek	TRC

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection

proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

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

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

Southeast Regional Office: Regional Water Management Program Manager; 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6131.

Northeast Regional Office: Regional Water Management Program Manager; Two Public Square, Wilkes-Barre, PA 18701, telephone (717) 826-2553.

Southwest Regional Office: Regional Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222, telephone (412) 442-4028.

Bradford County Conservation District: District Manager; Stoll Natural Resource Center; R. R. 5, Box 5030-C, Towanda, PA 18848, (717) 265-5539.

NPDES Permit PAS100805. Stormwater. **Towanda Area Joint Municipal Airport**, R. D. 2, Box 69A, Towanda, PA 18848 has applied to discharge stormwater from a construction activity located in Towanda Township, **Bradford County**, to Towanda Creek and the Susquehanna River.

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

NPDES Permit PAS10G206. Stormwater. **TAG Builders**, P. O. Box 973, Paoli, PA 19301 have applied to discharge stormwater from a construction activity located in Upper Uwchlan Township, **Chester County**, to Blackhorse Creek.

Cumberland County Conservation District: District Manager; 43 Brookwood Avenue, Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.

NPDES Permit PAS10H058. Stormwater. **S & A Custom Built Homes Inc.**, 501 Rolling Ridge Drive, State College, PA 16801 has applied to discharge stormwater from a construction activity located in Carlisle Borough, **Cumberland County**, to UNT to Conodoguinet Creek.

Erie County Conservation District: District Manager; 12723 Route 19, Waterford, PA 16441, telephone (814) 796-4203.

NPDES Permit PAS10K015. Stormwater. **Wegmans Food Markets Inc.**, 1500 Brooks Avenue, Rochester, NY 14692 has applied to discharge stormwater from a construction activity located in Millcreek Township, **Erie County**, to UNT to Lake Erie.

NPDES Permit PAS10K016. Stormwater. **Southland Investments**, P. O. Box 630, Waterford, PA 16441 has applied to discharge stormwater from a construction activity located in Millcreek Township, **Erie County**, to UNT to Walnut Creek.

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

NPDES Permit PAS10-O-057. Stormwater. **Department of Transportation**, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 has applied to discharge stormwater from a construction activity located in Manheim Township, **Lancaster County**, to Conestoga River and Little Conestoga Creek.

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

NPDES Permit PAS10R020. Stormwater. **Anthony and Barbara Biago**, 456 S. Main Road, Mountaintop, PA have applied to discharge stormwater from a construction activity located in Wright Township, **Luzerne County**, to Big Wapwallopen Creek.

Somerset County Conservation District: District Manager; 1590 N. Center Avenue, Ste. 103, Somerset, PA 15501, telephone (412) 445-4652.

NPDES Permit PAS106106. Stormwater. **Texas Eastern Transmission Corporation**, 5444 Westheimer, Houston, TX 77056 has applied to discharge stormwater from a construction activity located in Middlecreek, Milford and Upper Turkeyfoot Townships, **Somerset County**, to UNT to Laurel Hill, and Middlecreek, including the main branches of those creeks.

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact

basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commenter will be notified in writing of the time and place if a hearing or conference concerning the plan or action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

A. 1196402. Sewerage, **Lowe's Companies, Inc.**, P. O. Box 1111, Wilkesboro, NC 28656-0001. Application for the construction and operation of a sewage pumping station, force main and appurtenances to convey domestic raw sewage from Lowe's Home Center—Johnstown to Highland Sewer and Water Authority's existing sewerage system located in the Township of Richland, **Cambria County**.

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

WQM Permit No. 4296201. Sewerage, **New Life Baptist Church**, 325 Wood Street, New Wilmington, PA 16142 is for the construction of a sewage treatment facility to serve a new church in Wilmington Township, **Lawrence County**.

WQM Permit No. 6296403. Sewerage, **Todd E. Betts**, SRSTP, 18 Ludlow Street, Warren, PA 16365. This project is for the construction of a single residence sewage treatment plant in Glade Township, **Warren County**.

WQM Permit No. 3796403. Sewerage, **Mary M. Imler**, SRSTP, R. D. 3, Box 244A, Volant, PA 16156. This project is for the construction of a single residence sewage treatment plant in Hickory Township, **Lawrence County**.

WQM Permit No. 4396403. Sewerage, **George Gerber**, SRSTP, 40 Callahan Rd., Greenville, PA 16125. This project is for the construction of a single residence sewage treatment plant in Otter Creek Township, **Mercer County**.

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

A. 2896201. Industrial, **R & A Bender, Inc.**, P. O. Box 399, Scotland, PA 17254 in Greene Township, **Franklin County** to construct/operate a multiwell water pump system to pump the groundwater from recovery wells 1, 6 and 7 to a low profile air diffusion stripper system that will remove volatile organic compounds, the effluent will

be conveyed to Phillaman Run was received in the Southcentral Region on April 26, 1996.

A. 0196402. Sewerage, **Abbottstown/Paradise Joint Sewer Authority**, P. O. Box 401, Abbottstown, PA 17301 in Abbottstown Borough, **Adams County** to construct the Abbots Manor Pump Station was received in the Southcentral Region on May 1, 1996.

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

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

A. 9996434. **Alpine Natural Springs, Inc.**, 32 Washington Street, P. O. Box 116, Salineville, Ohio 43945; Joe Harris, Operations Manager. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name: Alpine Natural Spring Water.

A. 9996435. **Hinckley and Schmitt, Inc.**, 6055 South Harlem Avenue, Chicago, IL 60638; Thomas G. Condon, Quality Control Manager. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name: Hinckley & Schmitt Nursery Drinking Water.

A. 9996436. **Monadnock Mountain Spring Water Co.**, 8 Mansur Road, P. O. Box 518, Wilton, New Hampshire 03086; Dana Smith, Production Manager. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand names: Monadnock Mountain Spring Water and Monadnock Distilled Water.

Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995 (P. L. 4, No. 1995-2) (35 P. S. § 6026.101 et seq.).

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

For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate

ate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

Beatrice Frantz Property, Fleetwood Borough, **Berks County**. Beatrice Frantz, 3118 Pricetown Road, Fleetwood, PA 19522, has submitted a Notice of Intent to Remediate site groundwater contaminated with PHCs and BTEX. The applicant proposes to remediate the site to meet the background health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on May 5, 1996.

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-5950.

South Ardmore Redevelopment Project, Lower Merion Township, **Montgomery County**. Kenneth E. Heydt, P. E., Carroll Engineering Corp., Suite 100, 949 Easton Road, Warrington, PA 18976, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide health standard.

Tri Lite Plastics Inc., Falls Township, **Bucks County**. Cliff Harper, P. G., Environmental Strategies and Management, 20 East Street, Middleboro, MA, 02346 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

Northcentral Regional Office: Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 321-6525.

Sludge Lagoons, Benner Township, **Centre County**. Bellefonte Lime Co., Inc., P. O. Box 488, Bellefonte, PA 16823 and Cerro Metal Products Company, P. O. Box 388, Bellefonte, PA 16823 have submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead and heavy metals. The applicants propose to remediate the site to meet the Background Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* on April 25, 1996.

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (the act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in

reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Industrial Park Development Company Property, Eddystone Borough, **Delaware County**. Darryl D. Borrelli, Consulting Engineer, Manko, Gold, & Katcher, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead, heavy metals, polycyclic aromatic hydrocarbons and petroleum hydrocarbons. The applicant proposes to remediate the site to meet site-specific and Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Delaware County Daily Times* on March 27, 1996.

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

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

A. 101069. Southeastern Chester Co. Refuse Authority, 261 Street Road, West Grove, PA 19390. This major permit modification is for a lateral expansion of landfilling within the existing landfill property and also includes plans to increase daily tonnage of waste received at the landfill which is located in London Grove Township, **Chester County**.

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

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

A. 603444. Community Sewage Inc., R. D. 1, Box 248, Ford City, PA 16226-9801. Application for a Processing Facility for septage stabilization and dewatering, in Manor Township, **Armstrong County**, was received in the Regional Office on April 30, 1996.

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

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

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

06-1007B. Construction of two air contamination sources by **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) in Reading, **Berks County**.

06-1007C. Construction of various air contamination sources by **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) in Muhlenberg Township, **Berks County**.

06-304-025C. Construction of an air contamination source by **EAFCO, Inc.** (Spring & Schaeffer Streets, Boyertown, PA 19512) in Boyertown, **Berks County**.

22-312-024A. Construction of a vapor recovery unit by **Eldorado Properties Corporation** (Lucknow Pipeline Terminal, P. O. Box 2621, Harrisburg, PA 17105) in Harrisburg, **Dauphin County**.

38-307-031G. Construction of two wax burn-out furnaces by **CMI-Tech Cast, Inc.** (640 South Cherry Street, Myerstown, PA 17067) in Myerstown Borough, **Lebanon County**.

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

63-313-029. Flexsys America L. P. (829 Route 481, Monongahela, PA 15063) for a Thermal Oxidizer for the Crystex process at its facility located in Carroll Township, **Washington County**.

63-308-004A. Molycorp, Inc. (300 Caldwell Avenue, Washington, PA 15301) for an Aluminothermic Reduction process at its facility located in Canton Township, **Washington County**.

26-305-034. Matt Canestrale Contracting, Inc. (P. O. Box 234, Belle Vernon, PA 15012) for a loading/unloading/stockpiling process at its facility located in Luzerne Township, **Fayette County**.

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

49-301-018A. Construction of, and the installation of air cleaning devices (condensers and a fume incinerator) on a hazardous waste storage tank by **Merck and Company Inc.**, (P. O. Box 600, Danville, PA 17821) in Riverside Borough, **Northumberland County**. This tank is subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

59-399-012. Construction of a tannin solution dryer and associated air cleaning device (a fabric collector) by **Westfield Tanning Company** (360 Church Street, Westfield, PA 16950) in Westfield Borough, **Tioga County**.

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

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

21-320-008A. The Department intends to issue an air quality operating permit to **Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) for two lithographic "B" printing presses controlled by catalytic incineration in Mechanicsburg Borough, **Cumberland County**.

21-320-010. The Department intends to issue an air quality operating permit to **Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) for two lithographic "A" printing presses controlled by catalytic incineration in Mechanicsburg Borough, **Cumberland County**.

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

32-000-303. The Department intends to issue an air quality control operating permit to **CNG Transmission Corporation**, (445 W. Main Street, P. O. Box 2450, Clarksburg, WV 26302) for OEM's Low NOx Conversion Kits for two Ajax DPC-600 engines at its Cherry Tree Station facility located in Montgomery Township, **Indiana County**.

63-399-003. The Department intends to issue an air quality control operating permit to **Elliott Turbomachinery Company, Inc.**, (213 Scott Street Ext., Donora, PA 15033) for dust collectors on the abrasive blasting process at its Elliott Support Services facility located in Donora Borough, **Washington County**.

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

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

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

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

Permit: **09-302-078**
 Source: Two Boilers
 Company: **Bucks County Community College**
 Location: Newtown
 County: **Bucks**

Approval of a Reasonably Available Control Technology; Public Hearing

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and an amendment to the State Implementation Plan (SIP) for a manganese steel castings foundry owned and operated by The Frog, Switch & Manufacturing Company in Carlisle Borough, Cumberland County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in RACT Plan Approval No. 21-2011 for the existing foundry to comply with current regulations. Upon final approval of the company's case-by-case analysis, the plan approval will contain limits on the VOC content of molding and coring formulations. Additional conditions will require verification of these limits through recordkeeping and reporting of operational data, including VOC emissions.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-7937 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 June 11, 1996, at the Carlisle Community Center, 415 Franklin Street, Carlisle from 1 p.m. until all scheduled comments are received.

Those wishing to comment are requested to contact Sandra Roderick 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 Gary Lenz, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before June 30, 1996.

Persons with a disability who wish to attend the hearing scheduled for June 11, 1996 at the Carlisle Community Center and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 541-7969 or through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Notice of Proposed Revisions to the State Implementation Plan for 1990 Emission Inventory; Public Hearing

DEP proposes to amend the Pennsylvania State Implementation Plan (SIP) by including the emission inventories of the R. R. Donnelley & Sons Company, Lancaster East Plant (City of Lancaster, Lancaster County). The emission inventory is for 1990, which is considered a base year since all future reductions mandated by the Federal Clean Air Act Amendments are based on that year's inventory.

The proposed SIP revision does not adopt any new regulations or add new requirements. The proposed inventory, if finally approved, will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 10 a.m. on June 20, 1996, at the Department of Environmental Protection Lancaster District Office, 1661 Old Philadelphia Pike, Lancaster, PA. Persons wishing to present testimony at the hearing should contact Sandra Roderick at (717) 541-7969 by June 18, 1996, to register. Those unable to attend the hearing, but wish to comment, should send their comments to Leif Ericson, Air Quality Manager, Department of Environmental Protection, Southcentral Regional Office, One Ararat Boulevard, Harrisburg, PA 17110 on or before June 20, 1996.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Sandra Roderick at (717) 541-7969 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the DEP Southcentral Regional Office. Appointments for scheduling a review may be made by calling (717) 541-7969.

Notice of Plan Approval Application Minor Source

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

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

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

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

37-309-050. The Department received a plan approval application for construction of a cement grinding operation (40,000 tons/year) by **ESSROC Materials, Inc.** (P. O. Box 5250, Poland, OH 44514) in Bessemer Borough, **Lawrence County**. This source is subject to 40 CFR Part 60, Subpart F.

Preliminary determination to approve application for plan approval

General Electric Transportation Systems (GETS), Grove City Plant (1503 West Main Street Extension, Grove City, PA 16127) has filed an application with the Department of Environmental Protection (230 Chestnut Street, Meadville, PA 16335) to modify the diesel engine test cells. GETS currently employs engine retardation, split cooling and electronic fuel injection, where feasible. The engines being tested range from 2,000 HP and greater. The performance testing conducted on the diesel engines consist of a series of idle speeds and power settings which increase throughout the test. The performance test usually consists of one complete uninterrupted test cycle requiring approximately 10 hours of total run time. This application is subject to the Prevention of Significant Deterioration (PSD) regulations (40 CFR 52.21). The application is also subject to the New Source Review (NSR) regulations (Subchapter E of 25 Pa. Code Chapter 127).

Sources subject to PSD and NSR regulations must meet certain conditions prior to the issuance of a preconstruction/modification approval. These conditions are briefly described below. For exact text, please refer to the regulations.

1. The best available control technology must be utilized to limit the emissions of all pollutants regulated under the ACT which are emitted in "significant" amounts. This determination is made on a case by case basis taking into account energy, environmental, and economic impacts and other costs.

2. A source impact analysis must be performed to demonstrate that the proposed emissions would not cause or contribute to air pollution in violation of any National Ambient Air Quality Standard or any maximum allowable increase over baseline concentrations.

3. An analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source operation and associated growth in commercial, residential and industrial activity must be performed.

4. Lowest Achievable Emission Rate must be utilized to limit the emission of all pollutants in nonattainment areas which are emitted in "significant" amounts. This determination is made on a case by case basis. The rate of emissions is based on the following, whichever is more stringent.

- Most stringent emission limitation which is contained in the implementation plan of a state for the class or category of source, unless the owner/operator demonstrates the limitations are not achievable.

- Most stringent emission limitation which is achieved in practice by the class or category of source.

5. Emission Reduction Credits (ERCs) must be obtained to offset the change in allowable NOx emissions. Because the region is classified as moderate non-attainment for NOx, the quantity of the change in allowable NOx emissions must be offset by a ratio of 1.15 to 1.

Information submitted by General Electric Transportation Systems indicates that the emissions from the source shall comply with all applicable requirements of PSD and NSR regulations and any applicable requirements contained in the State Implementation Plan (SIP) as approved for Pennsylvania by the Environmental Protection Agency.

The permit would be subject to the following conditions.

1. Fuel consumption will be restricted to 2,224,500 gal/yr for the diesel engine test cells and the turbocharger test cell based on a 12 month rolling average.

2. NOx emissions shall be limited to 492.2 ton/yr for the diesel engine test cells and the turbocharger test cell based on a 12 month rolling average.

3. Annual emissions and fuel consumption shall be calculated monthly and reported on a quarterly basis to the Department. Engine production volume, type and horsepower rating, fuel consumption and emission factors shall be recorded and made available to Department personnel upon request for a period of at least 1 year. Compliance with the emission limitations contained in the permit for NOx will be determined by calculating emissions from engine and turbocharger testing using the reported emission factors.

4. Within 90 days of the manufacturing and testing of a new engine type, a source test shall be conducted to refine estimated emission factors. A pretest protocol complying with the requirements of 40 CFR Part 86 shall be submitted to the Department for approval. The Department may approve the test procedure as it deems fit.

5. Within 60 days of the approval of the test protocol, stack emission tests will be conducted in accordance with the pre-approved test protocol to determine compliance with the emission limits specified in condition no. 2.

6. GETS shall notify the Department at least 2 weeks prior to the tests.

7. Within 60 days after completion of the tests, two copies of the complete test report including all operating conditions shall be submitted to the Department for approval.

General Provisions:

1. The plan approval shall become invalid if modification is not commenced within 18 months after receipt of the approval or if the modification is discontinued for a period of 18 months or more, or if modification is not completed within a reasonable period of time.

2. Issuance of an operating permit is contingent upon compliance with the above conditions, upon the sources being modified and operated as stated in the application and follow-up correspondence and upon demonstration that the emissions from the sources shall comply with all applicable Rules and Regulations promulgated under the Federal Clean Air Act and the Air Pollution Control Act (35 P. S. §§ 4001—4015).

The Department has determined that the above application reflects the use of Best Available Control Technology, as well as Lowest Achievable Emission Rate as required by the Prevention of Significant Deterioration (PSD) and New Source Review (NSR) regulations. GETS has a contract to obtain Emission Reduction Credits from Pennsylvania Power Company, New Castle Plant.

The facility will trigger PSD and NSR for NOx pollutants only. The maximum annual impact due to an increase in NOx emissions from the GETS facility is 3.23 ug/m³. Since the maximum impact NOx concentration is below 14 ug/m³, this facility is exempt from the preconstruction ambient monitoring requirement.

The analysis also indicates that the overall maximum annual impact from the proposed facility and other major sources in the area will result in a total increment consuming annual concentration of 4.51 ug/m³. This is

well below the allowable annual NO_x PSD increment of 25.0 ug/m³ for Class II areas.

The project will have no significant industrial growth, therefore no commercial or industrial air pollution impacts are expected. The project is also not expected to adversely impact local soils, or vegetation. A visibility impairment analysis was performed using VISCREEN—plume visual impact screening model. VISCREEN was used to perform a Level 1 screening for Class I areas nearest the facility. The results indicated that the maximum anticipated visual impacts both inside and outside the Class I Area do not exceed the screening criteria. Therefore the source will not cause adverse visibility impairment.

The Department has made a preliminary determination to approve the plans submitted by General Electric Transportation Systems subject to the conditions listed above. A final determination will be made based on any additional inputs received.

The Department will consider any written comments received within 30 days of the publication of this notice. Any person may oppose this preliminary determination by filing a written notice with the Department of Environmental Protection, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, Attn.: Devendra Verma.

Each protest shall include the following:

1. Name, address and telephone number of the person filing each protest.
2. Identification of the proposed plan approval issuance being opposed.
3. Concise statement of the reasons for objection to the issuance of the plan approval and the relevant facts upon which the objections are based.

If sufficient public interest is generated, the Department, prior to the issuance of the plan approvals, may in its discretion, hold a public meeting or fact-finding conference, at which time any person may appear and give testimony. If it is decided to hold a public hearing, then a notice to this effect shall be published in the local newspaper giving the place the time of such a hearing.

For any additional information regarding the above, please contact Devendra Verma or Larry Wonders at (814) 332-6940 or by writing the Department at the Meadville address given above.

MINING ACTIVITY APPLICATIONS

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

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

mining activity, the submittal of the permit application will serve as the request for such certification.

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

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. 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 Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

17930117. Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc., Goshen Township, **Clearfield County** affecting 327 acres, receiving streams unnamed tributaries to Surveyor Run and Surveyor Run, tributary to west branch Susquehanna River, application received April 24, 1996.

17860105. Shale Hill Coal Co. (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 73.2 acres, receiving streams Montgomery Run and unnamed tributaries of Montgomery Run to west branch Susquehanna River, application received April 23, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

37891601. Shamrock Minerals Corporation, (R. D. 2, Box 2139, Wampum, PA 16157), to renew the permit

for the Shamrock Prep Plant in New Beaver Borough, **Lawrence County**, no additional discharge. Application received April 15, 1996.

16831604. C & K Coal Company, (P. O. Box 69, Clarion, PA 16214), to renew the permit for the Shannon Prep Plant in Piney and Toby Townships, **Clarion County**, no additional discharge. Application received April 19, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54851336T. Summit Anthracite, Inc., (R. D. 1, Box 12-A, Klingerstown, PA 17941), transferred from Jeff Coal Company, deep mine operation in Porter Township, **Schuylkill County**, affecting 5.7 acres, receiving stream Good Spring Creek. Application received April 18, 1996.

54851319R2. K & C Coal Company, (R. D. 2, Box 126, Ashland, PA 17921), renewal of an existing anthracite deep mine operation in Porter Township, **Schuylkill County** affecting 7.9 acres, receiving stream east branch Rausch Creek. Application received April 24, 1996.

49851602R2. Savitski Brothers Coal Company, (325 Mulberry Street, Atlas, PA 17851), renewal of an existing anthracite coal preparation plant operation in Mt. Carmel Township, **Northumberland County** affecting 45.4 acres, receiving stream Shamokin Creek. Application received April 26, 1996.

54900205R. Wheelabrator Culm Services, Inc., (Liberty Lane, Hampton, NH 03842), renewal of an existing anthracite refuse disposal operation (includes additional fly ash source) in Mahanoy Township, **Schuylkill County**, affecting 580 acres, receiving stream Mill Creek. Application received April 25, 1996.

54753035R2. N & L Coal Company, (5 Brodsky Road, Mt. Carmel, PA 17851), renewal of NPDES and an existing anthracite surface mine in West Mahanoy Township, **Schuylkill County**, affecting 103 acres, receiving stream Shanandoah Creek. Application received April 30, 1996.

54860202R2. James M. Rodichak, (200 Wiconisco Avenue, Tower City, PA 17980), renewal of an existing anthracite silt removal operation and NPDES #PA0593320 in Porter Township, **Schuylkill County**, affecting 34.3 acres, receiving stream Wiconisco Watershed. Application received April 29, 1996.

54960201. Northeastern Power Company, (P. O. Box 7, McAdoo, PA 18237), commencement, operation and restoration of a coal refuse reprocessing operation and a fly ash placement operation in Kline, Banks and Hazle Townships, **Schuylkill, Carbon and Luzerne Counties**, affecting 429.7 acres, receiving stream none. Application received April 15, 1996.

54851347R2. New Lincoln Coal Co., Inc., (837 E. Grand Avenue, Tower City, PA 17980), renewal of an existing anthracite deep mine operation in Tremont Township, **Schuylkill County** affecting 1.8 acres, receiving stream east branch Rausch Creek. Application received April 22, 1996.

40663027C. Jeddo-Highland Coal Company, (800 Exeter Avenue, West Pittston, PA 18643) commencement, operation and restoration of an additional fly ash source on existing SMP in Hazle Township, **Luzerne County**, affecting 154.9 acres, receiving stream none. Application received April 19, 1996.

49871601R. Calvin V. Lenig, (R. D. 1, Box 330, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 3.2 acres, receiving stream none. Application received April 22, 1996.

49871602R. Glenn R. Lenig, (R. D. 1, Box 336, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in West Cameron Township, **Northumberland County** affecting 2.2 acres, receiving stream none. Application received April 23, 1996.

District Mining Operations, 437 South Center Street, Ebensburg, PA 15931-0625.

Noncoal NPDES Permit Renewals Applications Received

07910301. Sproul Lime & Stone Company, (R. D. 1, Box 588, Claysburg, PA 16625), renewal of NPDES Permit #PA0599221, Frankstown Township, **Blair County**, receiving streams unnamed tributary to the Frankstown Branch of the Juniata River, NPDES renewal application received April 26, 1996.

4273SM4. Sproul Lime & Stone Company, (R. D. 1, Box 588, Claysburg, PA 16625), renewal of NPDES Permit #PA0599239, Greenfield Township, **Blair County**, receiving streams Beaverdam Creek to Frankstown Branch of the Juniata River, NPDES renewal application received April 26, 1996.

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, telephone (814) 332-6942.

E43-249. Encroachment. Amerihost Development, Inc., 2400 East Devon Avenue, Des Plaines, IL 60018. To place fill in 0.41 acre of wetland of a hotel and associated parking area. In addition, the applicant will create 0.45 acre of replacement wetland adjacent to the hotel. The project is located on the north side of S. R. 0208 approximately 900 feet west of the intersection of S. R. 0208 and

S. R. 0258 (Mercer, PA Quadrangle N: 3.3 inches; W: 5.0 inches) located in Springfield Township, **Mercer County**.

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

E18-210. Water obstruction and encroachment. **Donald and Lloyd Bower**, 461 Clinton St., South Williamsport, PA 17701. To construct and maintain a minor road crossing an unnamed tributary to Robbins Run to provide access to a residential development. The proposed work shall consist of installing a 24-inch diameter culvert pipe in 20.0 linear feet of an unnamed tributary to Robbins Run, an Exception Value Waterway, that does not impact wetlands, while impacting 20.0 linear feet of stream. The project is located along the southern right-of-way of SR 0044 approximately 5,000.0 feet east of the intersection of Robbins Run Trail and SR 0044 (Glen Union, PA Quadrangle N: 17.8 inches; W: 0.70 inch) in Gallagher Township, **Clinton County**.

E53-287. Water obstruction and encroachment. **John H. Brown**, P. O. Box 268, Roulette, PA 16746. To excavate and place fill in 4.0 acres of a PFO/PSS wetland along the Allegheny River floodplain. Approximately .7 acre will be 12 inches deep emergent shelf with 3.3 acres 5 foot depth. The purpose of the disturbance is for the construction of a recreational pond. The project is located .25 mile from T-507 (Hester Avenue) (Roulette, PA Quadrangle N: 4.4 inches; W: 3.3 inches) in Roulette Township, **Potter County**.

E59-321. Water obstruction and encroachment. **William Brace**, 525-184 Riverleigh Ave., Riverhead, NY 11901-3618. To construct and maintain two 71" x 103" corrugated pipe arch culverts 24 feet in length with R-5 riprap stabilization in Seeley Creek on the east side of SR 549 approximately 0.2 mile south of SR 1011 (Millerton, PA Quadrangle N: 10.2 inches; W: 7.9 inches) in Jackson Township, **Tioga County**. Estimated stream disturbance is 50 feet; stream classification is CWF.

E60-126. Water obstruction and encroachment. **Dept. of Conservation and Natural Resources**, Bureau of Forestry, c/o James A. Eppley, P. E., Harrisburg, PA 17105-8552. The applicant proposes to remove an existing structure and to construct and maintain a single span timber longitudinal glulam panel bridge to carry Hoofnagle Road across Weikert Run. The proposed bridge shall be constructed with a single span of 20.0 feet, an average underclearance of 3.0 feet and a rail to rail width of 18.0 feet. The project is located along the southern right-of-way of Longwell Draft Road approximately 50.0 feet south of the intersection of Hoofnagle Road and Longwell Draft Road (Weikert, PA Quadrangle N: 14.1 inches; W: 13.9 inches) in Hartley Township, **Union County**. Estimated stream disturbance is 62.5 linear feet with no wetland disturbance. Stream classified is high quality—cold water fishery.

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

E15-512. Encroachment. **Jenner's Pond Assoc. Inc.**, 1015 West Baltimore Pike, West Grove, PA 19390. To perform the following activities associated with the Jenner's Pond Retirement Community located at the southwest corner of the intersection of Old Baltimore Pike and Lewis Road (Oxford, PA Quadrangle N: 12.6 inches; W: 0.75 inch) in Penn Township, **Chester County**.

1. To construct and maintain a 50 linear feet of 11-foot by 4-foot concrete box culvert in and along a tributary to

east branch of Elk Creek (HQ-TSF-MF) and impacting 0.05 acre of wetlands (PSS1) for the proposed Jenner's Pond Roadway crossing, between station 7+00 to 8+00.

2. To construct and maintain a twin 50 linear feet of 10-foot by 4-foot concrete box culverts in and along a tributary to east branch of Elk Creek and impacting 0.07 acre of adjacent wetlands (PSS1) for the proposed Jenner's Pond Roadway crossing, between station 13+00 to 14+00.

3. To construct and maintain a 50-foot long of 8-foot by 4-foot concrete box culvert in and along a tributary to east branch of Elk Creek and impacting 0.40 acre of associated wetlands (PSS1) for the proposed phase 2B entrance roadway crossing, between station 5+50 to 6+50.

4. To place fill in 0.17 acre of wetland (PDW) associated with the construction of a stormwater management facility.

ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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

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

NPDES Permit No. PA-0063525. Sewerage. **Pocono Mountain School District**, P. O. Box 200, Swiftwater, PA 18370-0200 is authorized to discharge from a facility located in Coolbaugh Township, **Monroe County** to Clear Run.

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

NPDES Permit No. PA0054178. Sewerage. **Randy and Barbara Steskal**, 2953 Upper Ridge Road, Pennsburg, PA 18073 is authorized to discharge from a facility located in Marlborough Township, **Montgomery County** into an unnamed tributary to Macoby Creek.

NPDES Permit No. PA0022411. Sewerage. **United States Naval Air Station-Willow Grove**, Department of the Navy, Joint Reserve Base, P. O. Box 21, Willow Grove, PA 19090-5021 is authorized to discharge from a

facility located in Horsham Township, **Montgomery County** into an unnamed tributary to Park Creek.

NPDES Permit No. PA0056731. Historic Salem Village Homeowner's Association, R. D. 5, P. O. Box 25, Yellow Springs Road, Malvern, PA 19355 is authorized to discharge from a facility located in Tredyffrin Township, **Chester County** into an unnamed tributary of Valley Creek.

NPDES Permit No. PA0012629. Amendment No. 4. Industrial waste. **Sun Company, Inc.**, (R&M), 3144 Passyunk Avenue, Philadelphia, PA 19145-5299 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Schuylkill River Zone 4 of Delaware River Estuary.

NPDES Permit No. PA0050393. Sewerage. **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490 is authorized to discharge from a facility located in Worcester Township, **Montgomery County** into Zacharias Creek.

NPDES Permit No. PA0028380. Amendment No. 1. Sewerage. **Delaware County Sewage Authority**, 125 Chippewa Street, Lester, PA 19029 is authorized to discharge from a facility located in Tinicum Township, **Delaware County**.

NPDES Permit No. PA0024473. Amendment No. 1. Sewerage. **Parkesburg Borough Authority**, 329 West First Ave., Parkesburg, PA 19365 is authorized to discharge from a facility located in Parkesburg Borough, **Chester County**.

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

NPDES Permit No. PA0036595. Amendment No. 2. Sewerage, **Department of Corrections**, R. D. 1, Box 67, Waynesburg, PA 15370 is authorized to discharge from a facility located at State Correctional Institute at Waynesburg, Morgan Township, **Greene County**.

NPDES Permit No. PA0205249. Sewerage, **Dollar Bank**, 3 Gateway Center 10 North, Pittsburgh, PA 15222 is authorized to discharge from a facility located at Timber Creek Farms Sewage Treatment Plant, Marshall Township, **Allegheny County** to unnamed tributary of Big Sewickley Creek.

NPDES Permit No. PA0205541. Sewerage, **Bestform Foundations, Inc./Bestform LLC**, 210 Industrial Park Road, Johnstown, PA 15904 is authorized to discharge from a facility located at Bestform Foundations Sewage Treatment Plant, Croyle Township, **Cambria County** to South Fork of Little Conemaugh River.

NPDES Permit No. PA0215988. Amendment No. 1. Sewerage, **Kelly Chico**, R. D. 6, Box 304, Uniontown, PA 15401 is authorized to discharge from a facility located at Chico Mobile Home Park Sewage Treatment Plant, Menallen Township, **Fayette County**.

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

NPDES Permit No. PA 0103705. Sewerage. **Union School District**, R. D. 1, Box 209 B, Sligo, PA 16255 is authorized to discharge from a facility located in Sligo Borough, **Clarion County** to Licking Creek.

NPDES Permit No. PA 0104256. Industrial waste. **Sunoco Service Station DUNS #0363-9689**, 5733 Butler Street, Pittsburgh, PA 15207 is authorized to discharge from a facility located in Vernon Township, **Crawford County** to Van Horne Creek.

NPDES Permit No. PA 0100943. Sewerage. **Municipal Authority of Strattanville Borough**, P. O. Box 139, Strattanville, PA 16258 is authorized to discharge from a facility located in Strattanville Borough, **Clarion County** to an unnamed tributary to Brush Run.

NPDES Permit No. PA 0026832. Sewerage. **Ellwood City Borough**, 525 Lawrence Avenue, Ellwood City, PA 16117 is authorized to discharge from a facility located in Ellwood City, **Lawrence County** to Connoquenessing Creek (Outfalls 001, 004 and 006) and an unnamed tributary to Connoquenessing Creek (Outfall 005).

NPDES Permit No. PA0209929. Sewerage. **Dennis Stefanak**, R. D. 2, Romain Rd., Pulaski, PA 16143 is authorized to discharge from a facility located in Shenango Township, **Mercer County** to unnamed tributary to Shenango River.

NPDES Permit No. PA0210013. Sewerage. **Paul R. Goda**, 72 Birchwood Drive, Transfer, PA 16154 is authorized to discharge from a facility located in Pymatuning Township, **Mercer County** to unnamed tributary to Shenango River.

NOI Received and Final Actions Under NPDES General Permits

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to waters of the Commonwealth.

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR228324	PAG-3	Ethan Allen Inc.-Eldred Div. Route 446 Eldred, PA 16731-9664	McKean Eldred Township	Unnamed tributary to Allegheny River	2512

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

Adams County Conservation District: District Manager, 57 N. Fifth Street, Gettysburg, PA 17325, telephone (717) 334-0636.

Allegheny County Conservation District: District Man-

ager, 875 Greentree Rd., Rm. 208 Acacia Bldg., Pittsburgh, PA 15220, telephone (412) 921-1999.

Berks County Conservation District: District Manager, P. O. Box 520 Ag. Ctr., Leesport, PA 19533, telephone (610) 372-4657.

Cambria County Conservation District: District Manager, P. O. Box 187, Ebensburg, PA 15931, telephone (814) 472-2120.

Carbon County Conservation District: District Manager, 92 Blakeslee Blvd., E. Lehigh, PA 18235, telephone (610) 377-4894.

Centre County Conservation District: District Manager, 414 Holmes Ave., Ste. 4, Bellefonte, PA 16823, telephone (814) 355-6817.

Chester County Conservation District: District Manager, Gov. Serv. Ctr., Ste. 395, 601 Westtown Rd., West Chester, PA 19382, telephone (610) 696-5126.

Clearfield County Conservation District: District Manager, 650 Leonard Street, Clearfield, PA 16830, telephone (814) 765-2629.

Columbia County Conservation District: District Manager, 1127a Old Berwick Rd., Bloomsburg, PA 17815, telephone (717) 784-1310.

Dauphin County Conservation District: District Manager, 1451 Peters Mtn. Rd., Dauphin, PA 17018, telephone (717) 921-8100.

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

Indiana County Conservation District: District Manager, 251 Rte. 286 N., Ag. Service Ctr., Indiana, PA 15701, telephone (412) 463-7702.

Jefferson County Conservation District: District Manager, R. R. 5 Service Ctr., Brookville, PA 15825, telephone (814) 849-7463.

Lackawanna County Conservation District: District Manager, 395 Bedford St., Bedford Station, Clarks Summit, PA 18411, telephone (717) 587-2607.

Lancaster County Conservation District: District Manager, 1383 Arcadia Rd., Rm. 6 Farm and Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.

Lawrence County Conservation District: District Manager, Gov. Serv. Ctr., 430 Ct. St., New Castle, PA 16101, telephone (412) 652-4512.

Lebanon County Conservation District: District Manager, 2120 Cornwall Rd., Ste. 5, Lebanon, PA 17042, telephone (717) 272-3377.

Mercer County Conservation District: District Manager, R. R. 2, Box 2055, Mercer, PA 16137, telephone (412) 662-2242.

Montgomery County Conservation District: District Manager, 1015 Bridge Rd., Ste. B, Collegeville, PA 19426, telephone (610) 489-4506.

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

Venango County Conservation District: District Manager, R. R. 2, Box 108, Franklin, PA 16323, telephone (814) 432-7456.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100031	Philip Schuchart 900 Elm Avenue Hanover, PA 17331	Adams Co. Conewago Twp.	UNT to Conewago Crk.
PAR100032	Hadley Holdings Corp. 2835 82nd Ave. S E Mercer Island, WA 98040-9998	Adams Co. Abbottstown Boro.	UNT to Beaver Crk.
PAR100033	Timeless Towns of America Inc. 2634 Emmitsburg Rd. Gettysburg, PA 17325	Adams Co. Cumberland Twp.	UNT to Marsh Crk.
PAR10A167	Joseph Denardo 262 Portman Ln. Bridgeville, PA 15017	Allegheny Co. S. Fayette Twp.	UNT to Chartiers Crk.
PAR10A171	Nolan Brothers of Texas Inc. P. O. Box 101835 Fort Worth, TX 76185	Allegheny Co. Ross Twp.	Girty's Run
PAR10C138	Forino/Miller Devel. 3000 Penn Ave. West Lawn, PA 19609	Berks Co. Amity Twp.	UNT to Schuylkill River
PAR10C144	Donald Quinter 4426 12th Ave. Temple, PA	Berks Co. Muhlenberg Twp.	Laurel Run
PAR101028	St. Francis College P. O. Box 600 Loretto, PA 15940	Cambria Co. Loretto Boro. and Allegheny Twp.	UNT to Clearfield Crk. Susquehanna River Basin

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR101308	Redners Warehouse Market 20 Erford Rd., Ste. 201 Lemoyne, PA 17043	Carbon Co. Nesquehoning Boro.	Nesquehoning Crk.
PAR10F034-1	CATO Associates 2041 Cato Ave. State College, PA 16801	Centre Co. Ferguson Twp.	Big Hollow
PAR10F050	Office Depot/Suburban Plaza 248 Calder Way State College, PA	Centre Co. College Twp.	UNT to Spring Crk.
PAR10G177	West Chester Soccer Association 208 Carter Dr. W. Chester, PA 19382	Chester Co. Thornbury Twp.	E. Br. Chester Crk.
PAR10G179	Weiss Properties 107 Commons Ct. Chadds Ford, PA 19317	Chester Co. Londongrove Twp.	UNT to E. Br. White Clay
PAR10G182	Bruce Yelton P. O. Box 2 Pocopson, PA 19366	Chester Co. Pocopson Twp.	UNT to Pocopson Crk.
PAR101723	Dubois Soccer Assoc. P. O. Box 43 DuBois, PA	Clearfield Co. Sandy Twp.	UNT to Sandy Lick Crk.
PAR102118	Montour Twp. 195 Rupert Dr. Bloomsburg, PA 17815	Columbia Co. Montour Twp.	Fishing Crk.
PAR10I087	Alex and Donna DiSanto 2271 Paxton Church Rd. Harrisburg, PA 17011	Dauphin Co. L. Paxton Twp.	Paxton Crk.
PAR10J072	Yorktown 1781 Development 4000 Naamans Crk Rd. Boothwyn, PA 19061	Delaware Co. Bethel Twp.	Naamans West Br.
PAR103125	Roy Rager R. D. 1, Box 22 Seward, PA 15954	Indiana Co. E. Wheatfield Twp.	UNT to Blacklick Crk.
PAR103126	Dept. of Transportation P. O. Box 429 Indiana, PA 15701	Indiana Co. White Twp.	Stoney Run
PAR103316	DEP-BAMR/Gralan Corp P. O. Box 149 Ebensburg, PA 15931 and R. D. 1, Box 1312 W. Fort Ann, NY	Jefferson Co. Ringgold Twp.	Pine Run
PAR10N039	Robert Doll P. O. Box 37270 Louisville, KY 40232	Lackawanna Co. Jessup Boro.	Sterry Crk.
PAR10-O-184	Cooper Booth Wholesale 200 Centerville Rd. Lancaster, PA 17603	Lancaster Co. W. Hempfield Twp.	UNT to Little Conestoga Crk.
PAR10-O-197	Conestoga Vly. Schools 2110 Horseshoe Rd. Lancaster, PA 17601	Lancaster Co. E. Lampeter Twp.	Stauffer Run
PAR10-O-201	Lancaster Co. Bible Church 2392 Mt. Joy Rd. Manheim, PA 17545	Lancaster Co. Rapho Twp.	Chickies Crk.
PAR10-O-209	Frederick Stuedler 7335 River Rd. Conestoga, PA 17516	Lancaster Co. W. Lampeter Twp.	Mill Crk.
PAR10-O-211	Glass Kitchens of Lancaster 59 Glendale Dr. Lancaster, PA	Lancaster Co. E. Lampeter Twp.	UNT to Mill Crk.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR103719	Farmers Dairy Foods P. O. Box 198 New Wilmington, PA 16142	Lawrence Co. Wilmington Twp.	UNT to Shenango Rv.
PAR10P046	Mt. Zion School of Ministry R. D. 1, Box 7380 Grantville, PA	Lebanon Co. E. Hanover Twp.	Swatara Crk.
PAR10P047	Bryn Coed Farms 530 W. Trout Run Rd. Ephrata, PA 17522	Lebanon Co. Jackson Twp.	Tulpehocken Crk.
PAR104319	Christner Realty Inc. 35 Alpha Dr. Pittsburgh, PA 15238	Mercer Co. Pine Twp.	Wolf Crk.
PAR10T260	Michael DiPrinzio P. O. Box 108 Fairview Village, PA 19409	Montgomery Co. Worcester Twp.	N/A
PAR10U054	Willard Setzer 3812 Newburg Rd. Easton, PA 18045	Northampton Co. L. Nazareth Twp.	Shoeneck Crk.
PAR10U052	Dale Nauman 2311 Easton Ave. Bethlehem, PA 18017	Northampton Co. Bethlehem Twp.	Nancy Run
PAR107006	Motor Truck Equip. Co. 198 Kost Rd. Carlisle, PA 17013	Venango Co. Clinton Twp.	UNT to Scrubgrass Crk.
PAR107007	North Coast Energy 3896 Oakwood Avenue Youngstown, OH 44515	Venango Co. Victory, Mineral and Irwin Twps.	Lyons and Williams Runs

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G186	Bentley Developers, Inc. 1595 Paoli Pike West Chester, PA 19380	Tredyffrin Twp. Chester County	Little Valley Crk. Valley Creek
PAS10-T050	Anderson Farm, Inc. 950 West Valley Forge Road King of Prussia, PA 19406	Upper Providence Twp. Montgomery County	Norma Run Tributary to Perkiomen Crk.
PAS10-J030	Southco, Inc. 210 North Brinton Lake Rd. Concordville, PA 19331	Concord Twp. Delaware County	West Branch Chester Creek
PAS10-G172	Basile Properties, Inc. 202 Black Matt Road Douglassville, PA 19418	North Coventry Twp. Chester County	Unnamed Tributary to Schuylkill River
PAS10-J031	Lewis L. Brandolini, III 1 Daylesford Station 1301 Lancaster Avenue Berwyn, PA 19312	Concord Township Chester Heights Borough, Delaware Co.	West Branch Chester Creek
PAS10-D078	The Cutler Group, Inc. 5 Sentry Parkway West Suite 100 Blue Bell, PA 19422	Doylestown Twp. Bucks County	Neshaminy Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS102507	National Fuel Gas Supply Corporation 1100 State Street Erie, PA 16512	Elk County Highland Township	Maple Run

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

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.

Location: Fox Hollow Residential Subdivision, located north of Coplay Road and south of North Coplay Road, the area between the existing roads in Whitehall Township, **Lehigh County**.

Project Description: This project proposes an 80 lot single family residential subdivision of a 17.78 acre tract. The proposed 24,000 gpd of sewage flows (80 Lots × 300 gpd/Lot) will be collected and conveyed by the Coplay-Whitehall Sewer Authority for treatment by the City of Allentown Wastewater Treatment Plant. Northampton Borough Municipal Authority will provide public water to the project.

Steve Kilmer Residence, Lennox Township, **Susquehanna County**, at Route 374, 1 mile west of Intersection with Interstate 81.

This project is a residential subdivision proposing a small flow treatment facility to accommodate a maximum sewage flow of 1,000 gallons per day with discharge to the east branch of Tunkhannock Creek.

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

Permits Issued

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

Permit No. 4095406. Sewerage. **Danny Wasielewski**, R. R. 1, Box 239, Wapwallopen, PA 18660. Permit to construct and operate a single family residence sewage treatment plant, located in Dorrance Township, **Luzerne County**.

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

4696407. Sewerage. **Borough of Lansdale** (One Vine Street, Lansdale, PA 19446). Replacement and construction of a sewage pumping station to serve the Borough of Lansdale located in the Borough of Lansdale, **Montgomery County**.

4696408. Sewerage. **Whitpain Township** (960 Wentz Road, P. O. Box 800, Blue Bell, PA 19422). For modifications of pumping station and the installation of a new 18-inch force main to serve Mermaid Run located in Whitpain Township, **Montgomery County**.

4696201. Industrial waste. **SmithKline Beecham Research Company** (1250 South Collegeville Road, P. O. Box 5089, Collegeville, PA 19426). For AC-Condensate pH

Adjustment System to serve SmithKline Beecham Research Company located in Upper Providence Township, **Montgomery County**.

2396403. Sewerage. **Concord Township Sewer Authority** (P. O. Box 171, Concordville, PA 19331). Construction of a pumping station to serve Concord Hunt located in Concord Township, **Delaware County**.

1590409. Amendment No. 1. Sewerage. **Willistown Township Board of Supervisors** (P. O. Box 688, Sugartown Road, Malvern, PA 19355). Construction of a sewage treatment plant with spray irrigation to serve Penns Preserve located in Willistown Township, **Chester County**.

1596406. Sewerage. **Southern Chester County Health Services** (1011 West Baltimore Pike, West Grove, PA 19340-9448). Construction of a sewage treatment plant to serve Southern Chester County Health Services located in Penn Township, **Chester County**.

2393404. Amendment No. 2. Sewerage. **Township of Birmingham Sewer Authority and J. Grace Company, Inc.** (P. O. Box 816 and P. O. Box 91, Chadds Ford, PA 19317). Rerate of sewage treatment plant to serve Ridings of Chadds Ford located in Birmingham Township, **Delaware County**.

Permit No. 4696401. Sewerage. **Borough of Bridgeport**, Borough Hall, 4th and Mill Street, Bridgeport, PA 19405. Construction and operation of a sludge dewatering facility located in Bridgeport Borough, **Montgomery County** to serve the Borough of Bridgeport. Subdivision.

Permit No. 1595418. Sewerage. **Historic Salem Village Homeowner's Association**, R. D. 5, P. O. Box 25, Yellow Springs Road, Malvern, PA 19355. Construction of a sewage treatment plant located in Tredyffrin Township, **Chester County** to serve Historic Salem Village.

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

Permit No. 3096401. Sewerage, **Department of Corrections**, Waynesburg State Correctional Institute, R. D. 1, Box 67, Waynesburg, PA 15370. Construction of interim sewage treatment plant located in the Township of Morgan, **Greene County** to serve the State Correctional Institute of Waynesburg STP.

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

WQM Permit No. 3796201. Industrial waste. **Farmers Dairy Foods, Inc.**, P. O. Box 198, New Wilmington, PA 16142. This project is for the construction and operation of an industrial waste treatment facility in Wilmington Township, **Lawrence County**.

WQM Permit No. 1096405. Sewage. **Chicora Borough Sewer Authority**, Chicora Municipal Building, 112 North Main Street, P. O. Box 35, Chicora, PA 16025. This project is for the construction of approximately 70,000

feet of new sanitary sewer lines, a submersible pump station and a 0.201 mgd sequencing batch reactor wastewater treatment plant in Chicora Borough, **Butler County**.

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

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

Permit No. 1186502-A1. Public water supply. **Cambria Township Municipal Authority**, P. O. Box 23, Colver, PA 15927.

Type of Facility: Colver and Tripoli Village Water Improvements.

Consulting Engineer: Pellegrini Engineers, 2817 Industrial Avenue, P. O. Box 589, Altoona, PA 16603.

Permit to Construct Issued: April 30, 1996.

Permit No. 0488511. Public water supply. **Georgetown Heights Mobile Estates, c/o Loretta Schermock**, R. D. 1, Box 233, Clinton, PA 15026.

Type of Facility: Georgetown Heights Mobile Estates Water System.

Permit to Operate Issued: April 30, 1996.

Permit No. 6590501. Public water supply. **David Bailey**, Bailey's Mobile Home Park, R. D. 4, Box 222, Greensburg, PA 15601.

Type of Facility: Bailey's Mobile Home Park Water Supply.

Permit to Operate Issued: April 8, 1996.

Permit No. 2691503. Public water supply. **Pressley Ridge School**, R. D. 1, Box 25, Ohiopyle, PA 15470.

Type of Facility: Pressley Ridge School Water System.

Permit to Operate Issued: April 30, 1996.

Permit No. 464W1-A4. Public water supply. **Moon Township Municipal Authority**, 1000 Beaver Grade Road, Coraopolis, PA 15108.

Type of Facility: Water treatment plant hydraulic modifications, two interconnections, two pump stations.

Permit to Operate Issued: April 30, 1996.

Submission of Final Reports on Attainment of Background and Statewide Health Standards (Sections 302(e)(2) and 303(h)(2)).

The following final reports were submitted to the Department of Environmental Protection pursuant to the Land Recycling and Environmental Remediation Standards Act, the act of May 19, 1995, (P. L. 4, No. 1995-2) (35 P. S. § 6026.101 et. seq.).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (the act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final report(s).

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

Wendy's Site, Borough of Carlisle, **Cumberland County**. Noll Associates, 906 Newville Road, Carlisle, PA 17103, has submitted a Final Report concerning remediation of site groundwater contaminated with PHCs and BTEX. The report is intended to document remediation of the site to meet the background standard.

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

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

LongView of Ocean County, Inc., CN 2021, 1301 Route 37 West, Toms River, NJ 08754-2021; License No. **PA-HC 0145**; license issued May 2, 1996.

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

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

Laidlaw Environmental Services, Ltd., c/o Laidlaw Environmental Services (Quebec) Ltd., 7305 Marie-Victorin Boulevard, Brossard, PQ J4W, 1A6, Canada; License No. **PA-AH 0523**; license issued May 6, 1996.

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

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

Michigan Pumping Service, Inc., 605 Harrison Avenue, Trenton, MI 48183; License No. **PA-AH S237**; license reinstated May 3, 1996.

Hazardous Waste Transporter License voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.

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

Liquid Transporters, Inc., 3939 Atkinsin Drive, Louisville, KY 40218; License No. **PA-AH 0478**; license terminated April 17, 1996.

Registration under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

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

General Permit Registration No. WMGR011R011. EcoloCare, 2051 Holiday Park Drive, Pittsburgh, PA 15239. Registration to operate under General Permit WMGR011 for the processing of spent ethylene glycol base antifreeze in mobile processing units for the purpose of reconditioning spent antifreeze generated by coolant or heating systems. Registration effective on April 29, 1996.

General Permit Registration No. WMGR011R012. Allegheny Mobile Anti-Freeze Recycling, Inc., 410 Battery Drive South, McDonald, PA 15057. Registration to operate under General Permit WMGR011 for the processing of spent ethylene glycol base antifreeze in mobile processing units for the purpose of reconditioning spent antifreeze generated by coolant or heating systems. Registration effective on April 29, 1996.

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

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

General Permit No. WMGR019. Pennsylvania Foundrymen's Association, One Plymouth Meeting, Plymouth Meeting, PA 19462. A permit for the beneficial use of waste foundry sand as a roadway construction material and as an ingredient or component in asphalt or concrete products. The permit was issued by Central Office on April 22, 1996.

Persons interested in reviewing the permit may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

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

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

PA617024545. Department of the Navy Naval Air Warfare Center, P. O. Box 5152, Warminster, PA 18974-0591. The hazardous waste Part B application for the hazardous waste surface impoundments, container storage and tank storage of hazardous waste was withdrawn

and a closure plan was submitted, approved and has been implemented. The application review and interim status was terminated in the Regional Office on April 23, 1996.

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

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

A. 300829. U. S. Steel-Fairless Works, 600 Grant Street, Pittsburgh, PA 15219. This permit was revoked because the facility indicated that they have not utilized Area F transition for landfill activities. Landfill located in Falls Township, **Bucks County**. Permit revoked in the Southeast Regional Office on April 24, 1996.

A. 400457. Philadelphia Protestant Home, 6500 Tabor Road, Philadelphia, PA 19111. This permit was revoked because the facility indicated they are no longer operating their incinerator unit located in the City of Philadelphia. Permit revoked in the Southeast Regional Office on April 24, 1996.

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

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

10-307-051. On April 26, 1996, a plan approval was issued to **Armco, Inc.** (P. O. Box 832, Butler, PA 16003) for urea storage tank in Butler, **Butler County**.

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

04-310-016. On April 30, 1996, a plan approval was issued to **Heckett MultiServ** (612 N. Main Street, Butler, PA 16001) for a slag reprocessing plant at its Plant 53-Koppel facility located in Koppel Borough, **Beaver County**.

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

06-304-044A. On April 26, 1996, the Department issued a plan approval to **Fairmont Foundry, Inc.** (P. O. Box 466, Hamburg, PA 19526) for the installation of a sand reclaim operation with fabric collector for their Fairmont foundry in Hamburg, **Berks County**.

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S.

§§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Permits Issued

17910110. Sky Haven Coal, Inc. (R. R. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Bell Township, **Clearfield County** affecting 232.8 acres, receiving streams Martin Run and its tributary and unnamed stream, tributary to west branch Susquehanna River, application received February 14, 1996, permit issued April 23, 1996.

17840126. E. P. Bender Coal Company, Inc. (P. O. Box 594, Carrolltown, PA 15722), transfer of an existing bituminous surface mine permit from McDonald Land & Mining Co., Inc., Jordan Township, **Clearfield County** affecting 341.7 acres, receiving streams tributary to Comfort Run and Comfort Run to North Witmer Run to Clearfield Creek to west branch Susquehanna River, application received January 29, 1996, permit issued April 23, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54861309R2. Wenrich Coal Co., (HCR 1, Box 32, Spring Glen, PA 17978), renewal of an existing anthracite deep mine operation in Hegins Township, **Schuylkill County** affecting 2.8 acres, receiving stream none. Renewal issued April 24, 1996.

Field Operations—Mining and Reclamation, 5 West Laurel Blvd., Pottsville, PA 17901.

Coal Applications Returned

54841307R2. Acme Coal Company, (P. O. Box 71, Tower City, PA 17980), renewal of an existing deep mine operation in Porter Township, **Schuylkill County**, affecting 3.96 acres, receiving stream Wiconisco Creek, application received January 30, 1996, application returned (null and void) April 29, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

4873SM6T2. Global Stone PenRoc, Inc., (P. O. Box 1967, York, PA 17405-1967), transfer of an existing quarry operation in West Manchester Township, **York County** affecting 77.0 acres, receiving stream Codorus Creek. Transfer issued April 29, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted

58950816. Douglas G. Kilmer, (R. R. 1, Box 85K, Uniondale, PA 18470), commencement, operation and restoration of a small flagstone quarry operation in Choconut Township, **Susquehanna County** affecting 3.0 acres, receiving stream none. Authorization granted April 23, 1996.

45960801. C. William Besecker, (P. O. Box 262, East Stroudsburg, PA 18301), commencement, operation and restoration of a small shale quarry operation in Hamilton Township, **Monroe County** affecting 2.0 acres, receiving stream none. Authorization granted April 24, 1996.

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

Bond Forfeiture Contract Awarded: No. BF 359-101.1. Location: Blacklick and Cambria Townships, **Cambria County**, PA. Description: Abandoned Mine Reclamation Project, Starford Coal Corporation, Blacklick and Cambria Townships, Cambria County, PA. Contractor: Earthmovers Unlimited, Inc.; Amount: \$342,423; Date of Award: April 19, 1996.

Bond Forfeiture Contract Awarded: No. BF 376-101.1. Location: Beccaria Township, Clearfield County, PA. Description: Abandoned Mine Reclamation Project, Glendale Contracting Company, Beccaria Township, Clearfield County, PA. Contractor: E. M. Brown, Inc.; Amount: \$40,711; Date of Award: April 18, 1996.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certification

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

E09-712. Encroachment. **The Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067. To construct and maintain a 70-foot by 130-foot sludge drying bed associated with the water treatment plant owned by the Municipal Authority of the Borough of Morrisville located within the 100-year floodplain of the Delaware River adjacent to the intersection of Ferry Road and River Road (SR 0032) (Trenton West NJ-PA USGS Quadrangle N: 17.25 inches; W: 5.0

inches) in Lower Makefield Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects".

EA15-002SE. Environmental Assessment. **Richard Guarini, P. E.**, Clocktower Woods, Ltd., P. O. Box G, Exton, PA 19341. To construct and maintain a nonjurisdictional dam (Stormwater Detention Basin A) across headwaters of an unnamed tributary of Ridley Creek (HQ-TSF) impacting 0.18 acre of wetlands (PEM) for the purpose of stormwater management and roadway access of the Clocktower Woods Subdivision (formerly Bow Tree Phase IV). The work also includes replacing the impacted wetlands at a 1:1 ratio. The nonjurisdictional dam is located along Jamestown Way, 1,050 feet south of the intersection of Clocktower Drive and Jamestown Way in East Goshen Township, **Chester County** (West Chester Quadrangle N: 21.0 inches; W: 5.0 inches). This permit also includes 401 Water Quality Certification.

E46-732. Encroachment. **Michael Walsh**, 2445 Edgehill Road, Huntington Valley, PA 19006. To remove accumulated sediment bed load and to restore to original contours a small impoundment which is ancillary to an existing dam and to construct and maintain a sediment forbay trap approximately 20 feet long, 5 feet wide and 3 feet deep within an unnamed tributary to the Pennypack Creek (WWF) located approximately 80 feet upstream of the existing pond. The site is situated approximately 500 feet southeast of the intersection of Edge Hill Road and Overlook Avenue (Hatboro USGS Quadrangle N: 2.7 inches; W: 13.4 inches) in Upper Moreland Township, **Montgomery County**.

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

E61-201. Encroachment. **Cranberry Township Supervisors**, P. O. Box 378, Seneca, PA 16346. To construct and maintain a 6-inch diameter PVC outfall pipe with a concrete headwall along the east bank of the Allegheny River approximately 400 feet upstream of Alcorn Island for the wastewater treatment facility for Alcorne Point

Subdivision (Oil City, PA Quadrangle N: 8.7 inches; W: 6.8 inches) located in Cranberry Township, **Venango County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

Northcentral Region: Water Management-Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E53-285. Water obstruction and encroachment. **Robert and Helen Rhines**, P. O. Box 88, St. Marys, PA 15857. To construct and maintain a private road crossing the right branch of Bark Shanty Hollow Run. The work shall consist of placing three 48 inch CMP culvert pipes in 16 linear feet of stream channel. The project is located along the southern right-of-way of T-309 approximately 3,700 feet west of the intersection of T-307 and T-309 (Keating Summit, PA Quadrangle N: 11.9 inches; W: 0.0 inches) in Keating Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 1996, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (P. L. 38, No. 43) (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
E. David DeMar Demar Associates Testing Service	611 Ridge Road Sellersville, PA 18960	Testing
E. David DeMar D.A.R.T. Mitigation Systems	611 Ridge Road Sellersville, PA 18960	Mitigation
Enviroquest, Inc.	321 South River Street Harrisburg, PA 17104	Mitigation
Richard Finn	6 Glendale Drive Mountaintop, PA 18707	Testing
David Grammer Stone Ridge/RAdata, Inc.	95 Route 24 Chester, NJ 07930	Mitigation
Leonard D. Kelsey Radon Specialists, Inc.	217 Park Avenue Stroudsburg, PA 18360	Mitigation
Ernest J. Kittka	820 Saint Davids Road Williamsport, PA 17701	Testing Mitigation
Surekha A. Paunikar Alpha Environmental, Inc.	2430 Rosewood Lane Havertown, PA 19083	Testing
Richard P. Perkoski	848 South New Street West Chester, PA 19382	Testing
Robert Pollock Radon Environmental Monitoring, Inc.	3334 Commercial Avenue Northbrook, IL 60062	Laboratory

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Richard Schempp Father & Son Exterminating Co., Inc.	203 Easton Road Horsham, PA 19044	Testing
Bradford R. Whitely Amierspec of Central PA	516 Broad Street Montoursville, PA 17754	Testing

[Pa.B. Doc. No. 96-813. Filed for public inspection May 17, 1996, 9:00 a.m.]

Bureau of Air Quality; Availability of Technical Document

The Bureau of Air Quality of the Department of Environmental Protection has revised its *Continuous Source Monitoring Manual*. The manual is referenced in Chapter 139, Subchapter C, Section 139.102 of the Department of Environmental Protection Rules and Regulations (25 Pa. Code § 139.102) and contains design specifications, performance specifications, performance test procedures, data storage and reporting requirements, quality assurance criteria, and administrative procedures for obtaining Department approval of continuous source emission monitoring systems or other monitoring systems required pursuant to the Department of Environmental Protection Rules and Regulations.

Notice of availability of the draft document for comments was published in the November 11, 1995 *Pennsylvania Bulletin*. The comment period officially expired at the close of business on December 11, 1995. However, comments received through December 31, 1995 were evaluated prior to finalizing the document.

The document is available to all interested parties and may be obtained by writing to Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or by calling Joseph C. Nazzaro, Chief, Continuous Emission Monitoring Section at (717) 783-9247. The document is also available on the Internet at the following URL:

<http://www.dep.state.pa.us/dep/deputate/airwaste/airwaste/airwaste/cemspage/cemshome.htm>

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-814. Filed for public inspection May 17, 1996, 9:00 a.m.]

Mining and Reclamation Advisory Board; Special Meeting

A special meeting of the Mining and Reclamation Advisory Board will be held on May 29 at 9 a.m. in Conference Room A, 9th floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting is being held to discuss and vote on draft conceptual regulation changes regarding beneficial use of coal ash. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Rodney Kelley directly at (717) 783-5338 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-815. Filed for public inspection May 17, 1996, 9:00 a.m.]

Regulatory Basics Initiative Reports Available

The Department's Regulatory Basics Initiative (RBI) Reports are now available for public review. The reports include a comprehensive analysis of all of the Department's existing regulations, as well as recommendations for amendments or repeals.

Since August 1995, Department staff have been reviewing its existing regulations to assure that they are no more stringent than standards imposed by Federal law; to minimize costs upon the regulated community; to eliminate requirements which are no longer necessary or redundant; to encourage performance or outcome based requirements; to facilitate the use of new green technologies; to eliminate barriers to recycling and pollution prevention; and to assure information is prepared in clear and concise language. These principles were also outlined by Governor Ridge in Executive Order 1996-1 which requires all agencies to review its existing regulations.

Some examples of regulatory recommendations contained in these reports include reducing the overall volume of reporting forms for municipal and residual waste facilities by 50%; revising liner and leachate treatment system requirements to include performance based standards; adopting an equivalency review procedure for air quality permits to allow facilities to achieve greater reductions using pollution minimization; amending the requirements for testing of particulate matter emissions from stationary sources to be consistent with the Federal requirements; exclude combined sewer overflows from secondary treatment requirements; and revise the noncoal mining regulations to provide a less complex and costly process for noncoal exploration activities.

Copies of these reports have been posted on the DEP World Wide Web Site at <http://www.dep.state.pa.us> (choose Hot Topics/Regulatory Basics Reports). Copies are also available by contacting the Office of Policy at (717) 783-1303. Please request reports by the following bureau names, depending on your interests: Bureau of Land Recycling and Waste Management, Bureau of Air Quality, Bureau of Radiation Protection, Bureau of Water Quality Management, Bureau of Dams, Waterways and Wetlands, Bureau of Water Supply and Community Health, Bureau of Land and Water Conservation, Bureau of Oil and Gas Management, and Bureau of Mining and Reclamation.

Individuals who submitted comments on the Regulatory Basics Initiative (RBI) during the official public comment period will automatically receive a copy from the Department.

The Department is currently finalizing a comment and response document which will respond to the comments submitted during the RBI comment period. The Depart-

ment is also developing a schedule for the various rulemaking packages which will result from these reports. The availability of both of these items will be noted in a future update.

The evaluation and recommendations in these reports are intended to stimulate constructive discussion of how Pennsylvania's environmental requirements can be made more effective. The reports do not represent a final recommendation of the Department. Recommendations for changing DEP regulations will be made with the active participation of the public.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-816. Filed for public inspection May 17, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following project:

Project No. DGS 948-36—Waterproofing of Main Capitol Building, Capitol Complex, Harrisburg, Dauphin County, PA. Construction cost: \$20,800,000. The scope of work includes, but is not limited to, elimination of water infiltration and excessive moisture which is causing damage to the interior of the Capitol Building. Also included are replacement of defective roofing, rain leaders, windows and doors. *Note:* A Roof and Rain Water Infiltration Study/Assessment of Structural Roof Support Members and Connections for the Pennsylvania State Capitol Building has been completed. The Study is available for review at DGS Public Works Offices during normal working hours (8:30 a.m. to 5 p.m.) from Monday, May 20, 1996, to Wednesday, June 5, 1996. Please contact Ms. Bianchi at (717) 783-8468 to make arrangements to review this study.

Design Professional Selections; Readvertisement

The Selections Committee will meet to consider selection of Design Professionals for the following project which was withdrawn from consideration by the Selections Committee at its public meeting of April 16, 1996:

Project No. DGS 575-3—Construction of a 500-Cell Maximum Security Facility, with Provision for Expansion to 750-Cells, for Violent Juvenile Offenders, State Correctional Institution, Western Pennsylvania (Indiana County). Construction cost: \$42,490,000. The scope of work includes, but is not limited to, construction of a 500-cell maximum security detention facility for juvenile offenders. Facility to include administration; visitation; custody administration; reception and discharge; health care; dietary; laundry; commissary; maintenance; correctional industries; chapel; psychological services; education/vocation; recreational services; warehouse; automotive and central plant. Housing units shall be no greater than 24 cells with dining, recreation and educational services in the unit. The facility is to be designed to provide possible expansion to 750-cells. *Note:* A preprogram, prepared by the Department of Corrections, is available and may be obtained upon request, no later than Wednesday, June 5, 1996, to the Selections Commit-

tee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468. (See *Note* under Requirements and Information regarding Previous Applications.)

Requirements and Information

Note—Previous Applications

Applications for Project No. DGS 575-3 which were submitted for the April 16, 1996 meeting will be presented to the Selections Committee for review at its upcoming June, 1996 meeting. However, should any firm which had previously submitted an application for this project wish to include additional information, or make changes/update, you may do so until the new deadline date, which is stated in paragraph (d) below.

Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) below, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or joint venture members must be the professional of record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the professional of record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and con-

sultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Friday, June 14, 1996, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The professional firm selected to design a project will be expected to perform and administer, when required by the Department as additional services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the scope.

The professional agrees to comply with the terms of the agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-817. Filed for public inspection May 17, 1996, 9:00 a.m.]

Environmental Consultant Services; Request for Proposal

The Department of General Services is seeking interested firms to submit sealed proposals for consideration for the following project:

DGS 948-41.OA—Environmental Consultant Services for the Abatement of Hazardous Substances, Transportation and Safety Building, Harrisburg, Dauphin County, PA. A brief description of the project is as follows: Design and development of plans and specifications for the abatement of hazardous substances in the Transportation and Safety Building in preparation for its demolition. QA/QC sampling and testing during abatement, post abatement clearance testing, during and after demolition.

RFP Price—\$150 (Includes 6% PA Sales Tax) per RFP. Payable to the Commonwealth of Pennsylvania. This price is nonrefundable. Requests for the RFP should be mailed to The Department of General Services, Bureau of Professional Selections and Administrative Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Contact Bidders Services at (717) 787-3923, for the names of those who have secured the RFP.

Design Expertise—Proposers will be required to conclusively establish that they are qualified, highly skilled and experienced in hazardous substance abatement.

Building Walk-Through—A Building Walk-Through has been scheduled for this project on Wednesday, June 5, 1996, at 4 p.m. Consultants will meet in the Auditorium of the State Museum of Pennsylvania located at Third and North Streets, Harrisburg.

Preproposal Conference—A Preproposal Conference has been scheduled for this project on Wednesday, June 5, 1996, immediately following the Building Walk-Through in the Auditorium of the State Museum of Pennsylvania located at Third and North Streets, Harrisburg, PA. Questions must be received in writing by the Issuing Office (FAX: 717-772-2036) no later than 5 p.m., Friday, May 31, 1996.

In addition, all proposers shall FAX attendance information with the names of the individuals (maximum 2) that will be present at these meetings.

Note: Use the North Street entrance to the State Museum for these meetings.

All proposals are due Tuesday, June 25, 1996, no later than 2 p.m., in Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Responses received after this due date and time will be returned unopened.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-818. Filed for public inspection May 17, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, May 22, 1996.

This meeting will be held at the Sheraton Inn-Harrisburg, 800 East Park Drive, Harrisburg, PA from 10 a.m. to 4 p.m.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aid service, or other accommodation to do so, contact Tom DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0574. TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-819. Filed for public inspection May 17, 1996, 9:00 a.m.]

Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

CON-96-A-2656-B: Mercy Haverford Hospital, 2000 Old West Chester Pike, Havertown, PA. The project involves establishing a free-standing ambulatory surgical center with three operating rooms; close two operating rooms at Mercy Haverford and two at Mercy Fitzgerald Hospital, at an estimated cost of \$6,579,000.

CON-94-H-2119-B: Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA. The project involves establishment of a diagnostic cardiac catheterization laboratory for low risk adults with the support of Allegheny General Hospital, at an estimated cost of \$683,472.

CON-96-G-2615-B: Mercy Regional Health System, 2500 Seventh Avenue, Altoona, PA. The project involves the establishment of a diagnostic cardiac catheterization laboratory for low risk adults, at an estimated cost of \$981,166.

CON-96-C-2509-B: Lutheran Social Services—East Region, 600 Main Street, Lititz, PA 17543. The project involves developing a 40 bed long-term care facility at St. John's Herr Estate in Lancaster County, at an estimated cost of \$2,573,750.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning May 18, 1996. Interested persons, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, Pennsylvania. Mercy Haverford public meeting will begin at 11 a.m., and Uniontown public meeting will begin at 1 p.m., Monday, June 10, 1996. Mercy Regional public meeting will begin at 11 a.m.,

Monday, June 17, 1996. Lutheran Social Services public meeting will begin at 1 p.m., Thursday, June 27, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-820. Filed for public inspection May 17, 1996, 9:00 a.m.]

Signal Medical Services, Inc.; Public Meeting Rescheduled

CON-95-D-2298-B: The Department of Health has rescheduled the public meeting on the proposal by Signal Medical Services, Inc., 74 Batterson Park Road, Farmington, CT 06032. The project involves adding Pottsville Hospital and Warne Clinic to an existing mobile lithotripsy service, at no increase in cost.

The public meeting will begin at 2:30 p.m., June 27, 1996, in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. The meeting is subject to cancellation without further notice.

Notice is published in accordance with section 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.704(b)).

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-821. Filed for public inspection May 17, 1996, 9:00 a.m.]

State Health Services Plan Process

In the April 27, 1996, edition of the *Pennsylvania Bulletin*, the Department of Health announced that it was releasing proposed amendments to the State Health Services Plan and established a 30-day public comment period and scheduled a public hearing for May 13, 1996.

The proposed amendments were actually released to the public on May 10, 1996. The Department will consider the 30-day public comment period to have commenced on May 10, 1996. This comment period will end June 9, 1996.

Also, the public hearing on the proposed amendments has been rescheduled for Wednesday, May 29, 1996, to be held in Harrisburg in Room 327, Health and Welfare Building, starting at 10 a.m.

Persons who wish to present testimony at this public hearing must notify the Department of Health on or before the close of business on Wednesday, May 22, 1996, of their intent to testify by contacting Donna Culbertson at (717) 783-1410. The Department will also arrange for participation by telephone conference call. Persons interested in participating in the public hearing by telephone should contact Donna Culbertson at (717) 783-1410 by the

close of business on Wednesday, May 22, 1996. Persons who fail to contact the Department prior to May 22, 1996, may be denied the right to testify at the public hearing.

Persons who require reasonable accommodations or who have special needs in accordance with the American Disabilities Act of 1990 should contact Donna Culbertson at (717) 783-1410 at least 10 days prior to the hearing.

This hearing is subject to cancellation without notice.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-822. Filed for public inspection May 17, 1996, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractor referenced below has been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-11—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this person or this firm, or any firms, corporations or partnerships in which such person or firm has an interest, shall be awarded no contract for 3 years after the date listed.

JOHNNY J. BUTLER,
Secretary

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
John C. Fekos, d/b/a John C. Fekos, Painting Contractor (Fed. ER Tax No. 25-1344589)	3057 Texas Avenue Pittsburgh, PA 15216	5/02/96

[Pa.B. Doc. No. 96-823. Filed for public inspection May 17, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Bureau of Maintenance and Operations; Notice of Certification

The Department of Transportation, Bureau of Maintenance and Operations, under the provisions of section 4704(f) of the Vehicle Code (75 Pa.C.S. § 4704(f)), certifies the following municipal police officers have successfully completed the training prescribed by the Department of Transportation and are hereby certified as "Qualified Commonwealth Employees" as defined in section 4103 of the Vehicle Code (75 Pa.C.S. § 4103) for the calendar year ending December 31, 1996. Accordingly, local police so qualified are authorized to conduct systematic vehicle inspections of any vehicle, driver, documents, equipment and load and enforce any law or regulation pertaining to same.

Kenneth E. Beard	Swatara Township, Dauphin County
William F. Gearhart	Northern York County Regional, York County
Larry P. Geist	Fleetwood, Berks County
Donald T. Gunther	Mahoning Township, Montour County
Roger Heins	Northeast Berks Regional, Berks County
Kenneth M. Henry	Mt. Joy Township, Lancaster County
Thomas J. Kauffman	Upper Allen Township, Dauphin County
William D. Leighty	East Cocalico Township, York County
Michael J. Margavage, Jr.	Schuylkill Haven Borough, Schuylkill County
Robert P. Schaeffer	Schuylkill Haven Borough, Schuylkill County
Daniel E. Wilson	East Whiteland Township, Chester County
Douglas L. Womer	Lower Paxton Township, Dauphin County
Robert G. Schortemeyer	Middletown Borough, Dauphin County

The Department of Transportation, from time to time during the calendar year, will publish addenda to the listing of Qualified Commonwealth Employees as the same become certified.

Comments, suggestions or questions may be directed to Danial R. Smyser, P.E., Chief, Motor Carrier Division, Bureau of Maintenance and Operations, 1014 Transportation and Safety Building, Harrisburg, PA 17120, telephone (717) 787-7445.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-824. Filed for public inspection May 17, 1996, 9:00 a.m.]

Contemplated Sale of Land no Longer Needed for Transportation Purposes

The Department of Transportation under 71 P. S. § 513(e)(7) intends to sell certain land owned by the Department.

The following are the properties available for sale by the Department.

A tract of unimproved land located in Radnor Township, Delaware County. Vacant land was formerly identified as owned by Joseph Lombardi & Sons, Inc. and Roger and Vera May Kierstead at the end of Hillside Circle, Villanova, PA 19085 and consists of 16,264.0 s.f. more or less or parcel numbers 100 and 101 on the highway plan. Department has determined that land is no longer needed for present and future transportation purposes. Appraised value is \$27,700.

A parcel of unimproved land located in Radnor Township, Delaware County. Vacant land was formerly identified as 113 Burnside Road, Villanova, PA 19085 and

consists of 19,973.0 s.f. more or less or parcel #21 on the highway plan. Department has determined that land is no longer needed for present and future transportation purposes. Appraised value is \$30,000.

Interested public entities are invited to express their interest in purchasing this site within 30 calendar days from the date of publication of this notice to Andrew Warren, District Administrator—Transportation District 0600, 200 Radnor-Chester Road, St. Davids, PA 19087-5178, Attention: Daniel J. West, Real Estate Specialist, King of Prussia Annex, telephone: (610) 768-3007.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-825. Filed for public inspection May 17, 1996, 9:00 a.m.]

Retention of Engineering Firms

**Allegheny County
Reference No. 08430AG1993**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately five inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0019, Sections A10 and A18, widen NB and SB S. R. 0019 at Boyce Road to provide exclusive right turn lanes, reconstruction of center islands, milling and resurfacing, widen S. R. 0019 at Chapelwood Drive to provide left turn lane, shoulder paving, update drainage, guiderail, signals, pavement markings and spall repair on the abutment carrying Country Club Road over S. R. 0019. A structure rehabilitation will occur on McLaughlin Road Bridge, including deck replacement and beam repair. Also, repair of a culvert's wingwalls and headwalls will occur, Allegheny County.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving, drainage, signals and guiderails.
- b. Understanding of Department's requirements, policies and specifications.
- c. Past performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.
- f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the

qualifications of the firm's proposed employes will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	3 (2)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement of direct payroll cost for each Department Payroll Classification for calendar year 1996 will be limited to the actual direct salary of the individual employe, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Direct Payroll Rate</i>
Transportation Construction Inspector Supervisor (TCIS)	\$17.34
Transportation Construction Inspector (TCI)	\$15.18
Technical Assistant (TA)	\$10.43

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity

provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during rehabilitation.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

Technical questions concerning the requirements for this project should be directed to Terry McCue, District 11-0, at (414) 429-4926.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project

Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."

2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

a. Specialized experience and technical competence of firm.

b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

c. Current workload and capacity of firm to perform the work within the time limitations.

d. Location of consultant.

e. Special requirements of the project.

f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-826. Filed for public inspection May 17, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Danville v. DEP; EHB Doc. No. 95-205-C

The Department of Environmental Protection (Department) and the Borough of Danville (Borough), have agreed to a settlement of the above matter. On August 17, 1995, the Department issued Solid Waste Permit No. 602854 (Permit) to the Borough for the agricultural utilization, land reclamation and/or land disposal of sludge at the Charles Rine Farm located in Liberty Township, Montour County. On or about September 25, 1995, the Borough filed a Notice of Appeal from the Permit to the Environmental Hearing Board. On or about October 3, 1995, the Borough perfected its Appeal.

The Department and the Borough have agreed to a settlement, the major provisions of which include:

1. The Department has agreed to issue a "Modification to Solid Waste Disposal and/or Processing Permit" which deletes Permit Condition No. 26, entirely replaces the language in Permit Condition No. 1, partially replaces the language in Permit Condition No. 10.a.), and changes the "Date Expired" on the Permit to August 17, 2005.

2. The Borough agrees to take reasonable and necessary measures in order to improve management of soil phosphate levels on the Rine Farm.

3. If the Department issues a biosolids land application soil phosphate policy before August 17, 2005, the Borough

will assess the Rine Farm with regard to said policy and take reasonable and necessary measures to conform to the policy standards.

Copies of the full agreement are in the possession of:

Dawn M. Herb, Assistant Counsel, Department of Environmental Protection, Northcentral Region Office of Chief Counsel, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321- 6568;

Michael P. Dennehy, Esquire, Marks McLaughlin & Dennehy, 12 West Market Street, P. O. Box 179, Danville, PA 17821-0179, (717) 275- 3411;

and at the office of the Environmental Hearing Board, and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service at 1 (800) 654-5984.

Appeals must be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement, which becomes final if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-827. Filed for public inspection May 17, 1996, 9:00 a.m.]

William Smith v. DEP and Strishock Coal Company; Doc. No. 95-193-R

Strishock Coal Company (Strishock) conducted surface coal mining activities upon the property owned by William Smith, and located in Washington Township, Jefferson County, under Surface Mining Permit No. 33900110, issued by the Department (Smith Mine). On August 7, 1995, the Department, under its authority under 52 P.S. § 1396.4(g), granted Strishock Stage II bond release for the Smith Mine. William Smith appealed the grant of Stage II bond release to Strishock, which appeal is docketed at EHB Docket No. 95-193-R. In his appeal, William Smith objected that: 1) Strishock left depressions on the property which did not meet approximate original contour; 2) Strishock did not remove earth dams it had erected; 3) rain has caused washouts on the Smith Mine and on adjacent neighboring property.

The parties have agreed to a settlement, the major provisions of which include:

1. William Smith's appeal at EHB Docket No. 95-193-R is dismissed with prejudice.

2. On or before July 15, 1996, Strishock shall:

a) Fill in and stabilize all rills and gullies deeper than 9 inches on and immediately adjacent to the Smith Mine; and

b) Regrade all hummocks on the Smith Mine so they do not interfere with farming activities.

Copies of the full agreement are in the possession of:

Steven Lachman, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Robert M. Hanak, Attorney for Strishock Coal Company, 498 Jeffers Street, P. O. Box 487, Dubois, PA 15801, (814) 371-7768;

William Smith, R. D. 1, Box 244, Falls Creek, PA 15480;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-828. Filed for public inspection May 17, 1996, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of Meeting

The May 21, 1996, Environmental Quality Board meeting has been cancelled. The next meeting is scheduled for June 18, 1996, in the First Floor Meeting Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 96-829. Filed for public inspection May 17, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, May 2, 1996, and took the following actions:

Regulations Approved:

Department of Commerce #4-58—Private Activity Bonds: Allocation (amends Chapter 57 of 13 Pa. Code)

Pennsylvania Higher Education Assistance Agency #58-22—Loan Program Amendments (amends 22 Pa. Code Chapter 121)

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
May 2, 1996

Department of Commerce—Private Activity Bonds: Allocation; Doc. No. 4-58

Order

On April 15, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Commerce (Department). This rulemaking would amend Chapter 57 of 13 Pa. Code relating to the allocation amounts for private activity bonds in Pennsylvania. This regulation is required by section 146 of the Federal Internal Revenue Code of 1986 (IRC) (26 U.S.C.A. § 146) and section 7(4) of the (Pennsylvania) Tax-Exempt Bond Allocation Act (act) (73 P.S. § 397.7(4)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Department seeks approval of this rulemaking as soon as possible because failure to have the 1996 allocations in place could result in delays in the issuance of private activity bonds in the Commonwealth this year. As a consequence, the Department has omitted Notice of Proposed Rulemaking under section 204 of the Commonwealth Documents Law (45 P.S. § 1204). It has done so because this rulemaking, as similar rulemakings have done in previous years, only revises the allocation amounts for private activity bonds, and does so in accordance with the IRC and the nondiscretionary requirements of the act.

The IRC imposes a ceiling on the aggregate amount of private activity bonds that may be issued in any calendar year by or on behalf of the Commonwealth and its political subdivisions. Pennsylvania adopted the act in 1985 to provide for the allocation of private activity bond amounts in the Commonwealth. Section 7(4) of the act authorizes the Secretary of Commerce to promulgate regulations necessary to carry out the purposes of the act. These amendments are necessary because the existing regulation provides only the allocations for calendar year 1995, which are no longer current.

Section 57.1 is the only section being amended to incorporate these changes. In addition to the amendment of the calendar year from 1995 to 1996 in section 57.1(a), there are several other minor amendments, including shifting \$50 million in allocations to housing related bonds from qualified private activity bonds. Specifically, the allocation for housing related bonds is being increased from \$125 million to \$175 million and the allocation for qualified private activity bonds is being reduced from \$275 million to \$225 million.

The amount of each county's bond allocation is based on the population and the bond issuance activity of the county in the previous calendar year. Therefore, the Department is also amending the years upon which the

Secretary will determine the ratio of the county's total allocation usage from 1993 and 1994 to 1994 and 1995.

Lastly, the Department is amending the regulation to provide that applications for the allocations should be directed to the Bonds Office within the Department as opposed to the Office of Program Management/Bureau of Bonds.

These amendments will not affect the total dollar amount allocated for private activity bonds because such ceilings are determined by Federal law under the IRC. No Commonwealth funds are involved in the issuance of private activity bonds. In addition, all issuance costs for bonds are paid for out of bond proceeds, or through funds of the issuer or the borrower. These amendments will update the regulation and allow full utilization of the current allocation available to issuers of private activity bonds.

The members of the House Commerce and Economic Development Committee, in a letter dated May 1, 1996, advised the Commission that the Committee unanimously approved this regulation. In addition, Senators Tim Shaffer and Gerald Lavelle, Majority and Minority Chairperson of the Community and Economic Development Committee, wrote a letter to the Commission on April 29, 1996, indicating that the regulation is "acceptable as submitted."

We have reviewed this regulation and find it to be in the public interest. The revisions to the bond allocation amounts contained in this rulemaking are based on the same standards and procedures as those used in similar rulemakings approved in previous years by this Commission.

Therefore, It Is Ordered That:

1. Regulation No. 4-58 from the Department of Commerce, as submitted to the Commission on April 15, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
May 2, 1996

Pennsylvania Higher Education Assistance Agency—Loan Program Amendments; Doc. No. 58-22

Order

On May 2, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Higher Education Assistance Agency (Agency). This rulemaking would amend 22 Pa. Code Chapter 121. The authority for this regulation is Act 290 of 1963 (24 P. S. § 5104), Act 541 of 1996 (24 P. S. §§ 5181—5189), Act 155 of 1988 (24 P. S. §§ 5191—5197), and Act 64 of 1992 (24 P. S. §§ 5198.1—5198.7). The proposed regulation was published in the May 13, 1996 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 9, 1996.

The proposal contains comprehensive changes to the provisions which implement Federal loan programs administered by the Agency which are consistent with Federal statutory and regulatory changes. Requirements for recently established State loan forgiveness programs

and revisions necessitated by changes to State statute are included in the proposal as well.

Amendments to section 121.31 (Educational Institutions) and section 121.191 (Lending Institutions) bring the Agency's regulations into compliance with Federal regulations at 34 CFR § 668.81 et seq. Approved educational institutions in the Federal Stafford Loan and Federal PLUS Loan Programs and approved lending institutions in the Federal Stafford Loan, Federal PLUS Loan, and Federal Consolidation Loan Programs must comply with established requirements. The proposal adds actions the Agency may take against institutions through new procedures which include suspension, limitation or termination and emergency action. At the request of the House Education Committee and the Commission, the Agency added a definition for "emergency action" in the final-form rulemaking.

Emergency action can be taken against institutions when the Agency receives information it determines to be reliable that an institution is violating laws, regulations or other agreements; that immediate action is necessary to prevent misuse of funds; and the likelihood of loss of funds outweighs the importance of awaiting completion of review procedures.

Suspensions may be issued for up to 60 days. Limitations may include limiting the percentage of an institution's receipts from tuition and fees derived from loan guaranties, requiring the institution to obtain a bond, or imposition of other conditions for a stated period of time. Institutions may apply for removal of a limitation 12 months after the effective date of the limitation. A termination would prohibit the future guaranty of Federal Stafford Loans and Federal PLUS loans to borrowers. Institutions terminated may apply for reinstatement 18 months after the effective date of the termination.

An appeal process for each of the above actions is included in the proposal. The final-form rulemaking incorporated recommendations from our Comments to provide greater specificity in administrative requirements, and to adopt the General Rules of Administrative Practice and Procedures found at 1 Pa. Code.

Changes necessary for submission and processing of applications because of mandated common loan applications for Federal loan programs are reflected in the proposal. Other revisions which reflect Federal changes include payments of interest on Federal Stafford Loans and Federal PLUS Loans, limits on Federal Stafford Loan guaranties, canceled debt, default and repayment. Notification of transfer provisions have been deleted.

Subchapter L is included in the proposal to promulgate regulations for the Urban and Rural Teacher Loan Forgiveness Program established by Act 155 of 1988 (24 P. S. §§ 5191—5197). Applicants certified by the Department of Education who are in their first year of teaching in a Commonwealth-designated urban or rural area who borrowed through the Federal Family Education Loan Program may apply for forgiveness of a portion of the debt incurred.

Subchapter M adds requirements for the Agricultural Education Loan Forgiveness Program established by Act 64 of 1992 (24 P. S. §§ 5198.1—5198.7). An applicant who holds a degree in a field related to production of agricultural products or in the field of veterinary medicine from an institution of higher education located in the Commonwealth, is in the first year of full-time employment on a family farm or in the practice of veterinary medicine, and

has borrowed through the Federal Family Education Loan Program, may apply for forgiveness of a portion of the debt incurred.

Other changes included in this comprehensive proposal include deletion of references in section 121.124, to the Veterans Education Program, which was previously eliminated from the Agency's regulations and modification of section 121.32. Approved Institutions in Higher Education Grant Program, to allow eligibility to students attending a 2-year public, lower-division institution located outside the Commonwealth. The eligibility change incorporates a policy adopted by the Agency in 1992. The House Education Committee took action on April 29, 1996, to approve the regulation.

We have reviewed this regulation and find it to be in the public interest. The Agency adopted a number of additional recommendations made by the House Education Committee and our Commission. For example, the term "executive director" is deleted from section 121.1, Definitions, and the term "President and Chief Executive Officer" is added and defined. Also in our Comments, we recommended the Agency revise its final-form regulation to include changes contained in Act 83 of 1994 (24 P. S. §§ 5153 and 5154) which changed the definitions of "full-time student" and "half-time student" and includes a provision to allow for 5-year undergraduate programs when considering the maximum amount of State scholarships in determining financial need. The Agency adopted our recommendations through changes to sections 121.5, 121.6 and 121.49. A number of other recommendations to improve clarity were also adopted.

We continue to have some reservations about a provision in the proposal pertaining to the Higher Education Grant Program (Program). To be eligible for the Program, an applicant must enroll in an approved institution. The existing regulation at section 121.32(b)(1) requires that colleges and universities outside the Commonwealth be operated not for profit. Subsection (b)(3) requires that trade, technical or business schools located outside the Commonwealth also be operated not for profit. However, the proposal does not impose the same not for profit requirements for colleges and universities within the Commonwealth, hospital schools of nursing within the Commonwealth and outside the Commonwealth, and for trade or business schools located within the Commonwealth.

Our Comments questioned why the not for profit requirement is not consistently applied to educational institutions. The Agency explained that the rationale for the distinction is based on the Agency's historic concern with the absence of adequate oversight of profit out-of-State institutions on a National basis. Within Pennsylvania, oversight is provided by the State Board of Private Licensed Schools. They also cite the Agency's interest in encouraging residents to elect enrollment in a Pennsylvania post-secondary institution. They further note this is a policy decision within the Agency's authority.

Although we agree with the policy of encouraging enrollment in Pennsylvania institutions, we continue to question the rationale for the distinction based on an historic concern which may or may not be valid today. Many out-of-State for profit institutions have National accreditation or are regulated by the state they are located in. Additionally, while this policy may benefit the Commonwealth, it may have a negative impact on students who elect or desire to attend an out-of-State institution. However, we also agree that the decision is within the agency's policymaking authority.

Therefore, It Is Ordered That:

1. Regulation No. 58-22 from the Pennsylvania Higher Education Assistance Agency, as submitted to the Commission on April 9, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-830. Filed for public inspection May 17, 1996, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulation for review. The regulation will be considered within 30 days of its receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-339	Department of Transportation Work Zone Traffic Control	05/07/96
	JOHN R. MCGINLEY, Jr., <i>Chairperson</i>	

[Pa.B. Doc. No. 96-831. Filed for public inspection May 17, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for Plan Approval of a Merger

Executive Fund Life Insurance Company, a Pennsylvania domiciled stock life insurance company, has submitted a Plan of Merger, whereby it proposes to merge with Pennsylvania Life Insurance Company, a Pennsylvania domiciled stock life insurance company. The survivor will be Pennsylvania Life Insurance Company. The initial filing was received on April 4, 1996, and was made under requirements set forth under the Business Corporation Law of 1988 under 15 Pa.C.S. §§ 1921—1932 and 21205—21207. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving of this merger are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert

Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-832. Filed for public inspection May 17, 1996, 9:00 a.m.]

Capital Blue Cross; Pennsylvania Blue Shield; Community-Rated Group Major Medical Program; Filing No. 96-N

By filing no. 96-N, Capital Blue Cross and Pennsylvania Blue Shield propose to adjust the rates for its Group Community-Rated Major Medical Program. The proposed average increase is 8.4%. This rate change will produce an estimated additional monthly income of \$464,020 and will affect 203,650 subscribers. Additionally, a three-tier rating structure and quarterly rates with annual guarantees are proposed. Changes to the rating structure have been designed to be revenue neutral. An effective date of October 1, 1996 has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Amy Ventresca, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-833. Filed for public inspection May 17, 1996, 9:00 a.m.]

Capital Blue Cross; Pennsylvania Blue Shield; Update to Rates for the Community-Rated Group HealthOne Point of Service Designated Gatekeeper Comprehensive Major Medical Program; Filing No. 96-P

Capital Blue Cross and Pennsylvania Blue Shield have submitted quarterly rates for the Community-Rated HealthOne Program. The requested rates are slightly lower than the rates currently approved.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-834. Filed for public inspection May 17, 1996, 9:00 a.m.]

Capital Blue Cross; Rates for Community-Rated Prescription Drug Card Program for Groups Enrolled in Community-Rated Group HealthOne Point of Service Designated Gatekeeper Comprehensive Major Medical Program; Filing No. 96-O

Capital Blue Cross proposes to establish a new rate pool for the Community-Rated Prescription Drug Card Program when selected by Groups for members enrolled in the Community-Rated HealthOne Program. Capital Blue Cross submits rates to be effective October 1, 1996 for this program.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-835. Filed for public inspection May 17, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of James Portet; file no. 96-407-90319; Maryland Casualty Company; doc. no. E96-04-096; June 5, 1996, at 3 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 designees.

nated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-836. Filed for public inspection May 17, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurers 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 the 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 Erie Insurance Exchange; file no. 95-121-02088; Charles W. Dyer; doc. no. P96-04-079; June 11, 1996, at 11 a.m.;

Appeal of Erie Insurance Company; file no. 95-121-02230; Michelle L. Lowe; doc. no. P96-04-068; June 11, 1996, at 1 p.m.;

Appeal of Donegal Mutual Insurance Company; file no. 96-188-02014; John and Doris Frederick; doc. no. P96-04-075; June 12, 1996, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-837. Filed for public inspection May 17, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Raymond and Ann M. Mishlanie; file no. 95-121-02158; Keystone Insurance Company; doc. no. P96-04-088; June 5, 1996, at 2 p.m.;

Appeal of Richard Diamond; file no. 96-264-31945; Allstate Insurance Company; doc. no. PH96-04-058; June 6, 1996, at 2 p.m.;

Appeal of Earl and Nancy Harris; file no. 96-193-01921; Donegal Mutual Insurance Company; doc. no. P96-04-078; June 12, 1996, at 10 a.m.;

Appeal of Michael Rothberg; file no. 96-280-30831; Donegal Mutual Insurance Company; doc. no. PH96-03-018; June 12, 1996, at 11 a.m.;

Appeal of Eilene L. Benninghova; file no. 96-121-01791; Foremost Insurance Company; doc. no. P96-04-077; June 13, 1996, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-838. Filed for public inspection May 17, 1996, 9:00 a.m.]

United Services Automobile Association; USAA Casualty Insurance Company; Homeowners Program

On April 29, 1996, the Insurance Department received from United Services Automobile Association and USAA Casualty Insurance Company a filing for a rate level change for Homeowners insurance.

The companies are requesting an overall 5.65% increase, amounting to \$1,123,449 annually, to be effective November 1, 1996.

Unless formal administrative action is taken prior to June 28, 1996, 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 Larry Polin, Actuary, Insurance Department, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-839. Filed for public inspection May 17, 1996, 9:00 a.m.]

JOINT COMMITTEE ON DOCUMENTS

Resolution 1996-1

Whereas, the Joint Committee on Documents is mandated by the Commonwealth Documents Law, 45 Pa.C.S. § 501 et seq., to administer the statute ". . . with a view toward encouraging the widest possible dissemination of documents among the persons affected thereby which is consistent with the due administration of public affairs"; and

Whereas, the Joint Committee on Documents has determined that, in certain cases where regulations must be modified because of a court order or change in an applicable statute or in Federal regulation, notice of these modifications should be published in the *Pennsylvania Bulletin*; and

Whereas, the Joint Committee on Documents adopted Resolution 1988-1 as published at 18 Pa.B. 1392 on March 26, 1988, Resolution 1990-1 as published at 20 Pa.B. 1615 on March 17, 1990, Resolution 1992-1 as published at 22 Pa.B. 1816 on April 11, 1992, and Resolution 1994-1 as published at 24 Pa.B. 2347 on April 30, 1994, which granted the Secretary of Public Welfare the authority to publish information about these mandatory changes; and

Whereas, the Joint Committee on Documents has determined that Resolutions 1988-1, 1990-1, 1992-1 and 1994-1 should be clarified and reauthorized.

Now, Therefore, be it known by Resolution of the Joint Committee on Documents that:

1. The Secretary of Public Welfare is encouraged to provide predictability, access and accountability to the policies and practices of the Department.

2. Notice of any change, including amendment or suspension to any Department regulation which is required by Commonwealth or Federal statutes, regulation, court order or consent decree submitted by the Department to the Legislative Reference Bureau shall be published in the *Pennsylvania Bulletin*. This notice shall address the following information at a minimum:

a. The changes to the affected regulation with appropriate introductory language to indicate that the affected sections and standards will be included in Annex A to the final rulemaking.

b. A citation to any regulation which is affected by the change, and a citation to the relevant statute or statutory provision, regulation, court order or consent decree which requires the change.

c. A statement of the consequences resulting from failure to immediately comply with the statute, regulation, court order or consent decree, and a statement of any benefits to be gained by compliance.

d. A statement that the change shall be in effect for 365 days, during which time the Department will pursue the adoption of the change in a new regulation through the rulemaking process under either section 201 or 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 or 1204) known as the Commonwealth Documents Law as the circumstances dictate.

e. A statement that the notice is published under this resolution.

3. Notice of the implementation of an additional component to a Department program which results in immediate access to the program or immediate additional benefit to beneficiaries of the program and which does not require repeal or suspension of any regulation may be published in the *Pennsylvania Bulletin*. The notice shall contain a description of the new program and shall state the procedure to be followed for participation in the program.

4. Notices submitted under this Resolution shall be subject to review by the Office of General Counsel and the Office of Attorney General.

5. Regulations securing actions issued under JCD Resolutions 1990, 1992 and 1994 may be adopted in Omnibus (bundled) Form under section 204 of the Commonwealth Documents Law.

6. The Secretary shall report to the JCD and Standing Committees the current status and Action Resolution Plan for any regulatory action exceeding 365 days from the respective NORC publication date.

7. This resolution shall expire 2 years from the date of publication in the *Pennsylvania Bulletin*.

PAUL A. TUFANO,
Chairperson

[Pa.B. Doc. No. 96-840. Filed for public inspection May 17, 1996, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.9—1996 Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct, Amended, April 19, 1996.

Management Directive No. 205.29—Commonwealth Internet Access, Dated March 20, 1996.

Management Directive No. 530.4—State Paid Benefits While on Sick, Parental, or Family Care Leave Without Pay, Dated March 21, 1996.

Management Directive No. 530.23—State Employee Combined Appeal, Dated April 1, 1996.

Management Directive No. 615.2—Motor Vehicle Liability Insurance and Accident Reporting, Dated March 29, 1996.

Management Directive 625.1—Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services, Dated April 10, 1996.

Administrative Circular No. 96-13—Federal and State Payments to School Districts and Their Subdivisions, Dated April 4, 1996.

Administrative Circular No. 96-14—Closing Instruction No. 2, 1995-96 Fiscal Year; Preclosing at May 31, 1996, Dated April 8, 1996.

Administrative Circular No. 96-15—Use of Seat Belts in Commonwealth Fleet Vehicles, Dated April 16, 1996.

Administrative Circular No. 96-16—Inventory of General Services' Commodity Distribution Centers, Dated April 18, 1996.

Administrative Circular No. 96-17—Automotive Fleet Preventive Maintenance Schedule, Dated April 24, 1996.

Administrative Circular No. 96-18—Relocation of the Commonwealth Travel/Information Center Department of General Services, Dated April 24, 1996. Relocation will take effect on May 1, 1996; the new address will be Room 402, Finance Building, Harrisburg, PA.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 96-841. Filed for public inspection May 17, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 June 10, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00112991. Abritlind Corporation, t/d/b/a Ashley Limousine (23 Gamewood Road, Levittown, Bucks County, PA 19057), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Bucks, Montgomery and Philadelphia; subject to the following condition: that no right is granted to render service in luxury-type vans; which is to be a transfer of all of the right authorized under the certificate issued at A-00108471 to Marty's Home Decorating, Inc., t/d/b/a Big Marty's, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* William M. Barnes, Suite 3600, 1600 Market Street, Philadelphia, PA 19103-4252.

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-00112996. Mary E. Nugent, t/d/b/a Mary E. Nugent's Limousine Service (285 Brickyard Road, Manchester, York County, PA 17345)—persons in limousine service between points in the counties of Cumberland, Dauphin, Lancaster and York. *Attorney:* William T. Hast, 45 Wyntre Brooke Drive, York, PA 17403.

A-00112997. Springs Zack, Jr. (2432 Huntingdon Street, Philadelphia, Philadelphia County, PA 19132)—persons in paratransit service from points in the city and county of Philadelphia to county, State and Federal Correctional Institutions as follow: Bucks County Correctional Facility, Chester County Prison, Delaware County Prison, Montgomery County Correctional Facility, State Correctional Institution at Albion, State Correctional Institution at Cambridge Springs, State Correctional Institution at Camp Hill, State Correctional Institution at Coal Township, State Correctional Institution at Cresson, Curran-Fromhold Correctional Facility, State Correctional Institution at Dallas, Detention Center—Philadelphia, State Correctional Institution at Frackville, State Correctional Institution at Graterford, State Correctional Institution at Green, State Correctional Institution at Greensburg, House of Corrections—Philadelphia, State

Correctional Institution at Houtzdale, State Correctional Institution at Huntingdon, State Correctional Institution at Mahanoy, State Correctional Institution at Mercer, State Correctional Institution at Muncy, PCCC—Philadelphia, State Correctional Institution at Pittsburgh, Quehanna Boot Camp, State Correctional Institution Retreat, State Correctional Institution at Rockview, State Correctional Institution at Smithfield, State Correctional Institution at Somerset, State Correctional Institution at Waymart, State Correctional Institution at Waynesburg and the Federal Correctional Institution at Schuylkill. *Attorney:* Jeremy C. Gelb, Suite 750, The Curtis Center, Sixth and Walnut Streets, Philadelphia, PA 19106.

A-00113003. Professional Transportation, Inc., t/d/b/a Professional Carriers (5230 Division Street, Evansville, IN 47715), a corporation of the State of Indiana—railroad crews, in paratransit service, between points in Pennsylvania. *Attorney:* Andrew K. Light, 1777 Market Tower, 10 West Market Street, Indianapolis, IN 46204-2971.

A-00113018, Folder 1. Tedrow's Cab Service, Inc. (Spot 252 Fourth Avenue, Waynesburg, Greene County, PA 15370) a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the boroughs of Carmichaels, Clarksville, Rices Landing, and Waynesburg, and the townships of Center, Cumberland, Dunkard, Franklin, Gray, Greene, Jefferson, Morgan, Morris, Perry, Springhill, Washington, Wayne, and Whiteley, Greene County, to the Greater Pittsburgh International Airport, in the townships of Findlay and Moon, Allegheny County. *Attorney:* John A. Stetts, 61 West High Street, Waynesburg, PA 15370.

A-00113018, Folder 2. Tedrow's Cab Service, Inc. (Spot 252 Fourth Avenue, Waynesburg, Greene County, PA 15370), a corporation of the Commonwealth of Pennsylvania—persons, upon call or demand, in the boroughs of Carmichaels, Clarksville, Rices Landing, and Waynesburg, and the townships of Center, Cumberland, Dunkard, Franklin, Gray, Greene, Jefferson, Morgan, Morris, Perry, Springhill, Washington, Wayne, and Whiteley, Greene County. *Attorney:* John A. Stetts, 61 West High Street, Waynesburg, PA 15370.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for transportation of persons as described under each application.

A-00113027. SMT (Southern Medical Travel) & Transportation, Inc. (120 West Merchant Street, Audubon, NJ 08106), a corporation of the State of New Jersey—contract carrier—persons for Consolidated Rail Corporation, between points in and east of the counties of Tioga, Lycoming, Union, Snyder, Juniata, Perry, Cumberland and Adams, and from points in the said territory to points in Pennsylvania, and vice versa. *Attorney:* James W. Patterson, One Liberty Place, Thirty-Second Floor, 1650 Market Street, Philadelphia, PA 19103-7393.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00110555, F.2. Meadville Area Ambulance Service, Inc., t/d/b/a Broad-Way Transportation, (592 Williamson Road, Meadville, Crawford County, PA 16335), a corporation of the Commonwealth of Pennsylvania—additional right—persons in limousine service, between points in the county of Crawford, and from points in the

said county, to points in Pennsylvania and return. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

A-00110555, F.3. Meadville Area Ambulance Service, Inc., t/d/b/a Broad-Way Transportation, (592 Williamson Road, Meadville, Crawford County, PA 16335), a corporation of the Commonwealth of Pennsylvania—additional right—persons upon call or demand, between points in the county of Crawford. *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-00100664, Folder 4, Am-A. Model Management Services, Inc., t/d/b/a Friendly Transportation (625 East Orange Street, Lancaster, Lancaster County, PA 17602), a corporation of the Commonwealth of Pennsylvania—inter alia—to transport persons, in group and party service, from points in the county of Lancaster to the Penn National Race Course in the township of East Hanover, Dauphin County: *so as to permit* the transportation of persons, in group and party service, between points in the county of Lancaster, and from points in said county, to points in Pennsylvania and return. *Attorney:* Thomas T. Niesen, P. O. Box 9500, Harrisburg, PA 17108.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.

A-00113019. Santoro Enterprises, Inc., t/d/b/a Thomas Gerrity, Jr. Moving and Storage Company (433 Rear Lawrence Street, Old Forge, Lackawanna County, PA 18518), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, between points in the city of Scranton, Lackawanna County, and within 3 miles of the limits thereof, and from said points, to points in Pennsylvania and vice versa; and (2) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights authorized under the certificate issued at A-00110106 to S. F. Reno, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

A-00097742, Folder 2. Jensen Movers and Storage, Inc. (2531 Orthodox Street, Philadelphia, Philadelphia County, PA 19137), a corporation of the Commonwealth of Pennsylvania—household goods in use: (1) between points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but excluding the said places; (2) from points in the counties of Philadelphia, Delaware, Chester, Montgomery and Bucks included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but excluding the said places, to points in Pennsylvania, and vice versa; (3) between points in the borough of Quakertown, Bucks County, and within an airline distance of 15 statute miles of the limits of said borough and from points in said borough and said territory to points in Pennsylvania, and vice versa; with right no. 3 subject to the following condition: that no right, power or privilege is granted to render said service to and from points in the cities of

Allentown, Lehigh County, and Bethlehem, Northampton and Lehigh Counties, except from said cities to points in the borough of Quakertown and within 10 miles by the usually traveled highways of the limits of the said borough, and vice versa; (4) between points in the borough of Oaks, Montgomery County, and within 15 miles by the usually traveled highways of the Post Office in said village and from points in said territory to points within 40 miles from the point of origin, and vice versa; (5) between points in the county of Montgomery, excluding the Philadelphia Municipal area, that is, that portion of Montgomery County which lies between Philadelphia County and the line connecting Paoli, Norristown and Doylestown, and including the borough of Norristown, and from points in said territory to points in Pennsylvania, and vice versa; (6) to transport, as a Class B carrier, household goods in use, between points in the borough of Trumbauersville, Bucks County, and within 5 miles by the usually traveled highways of the limits of said borough; (7) to transport, as a motor common carrier, property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate issued at A-00110551 to Jensen-Fagan moving & Storage Services, Inc., subject to the same limitations and conditions. Application for temporary authority has been filed at A-00097742, Folder 2, seeking the rights cited above. *Attorney:* George P. O'Connell, 608 Huntingdon Pike, Rockledge, PA 19046-4490.

Applications of the following for the approval of the transfer of stock as described under each application.

A-00108361, F. 5000, Carriage Limousine Services, Inc. (50 South 15th Street, P. O. Box 42314, Pittsburgh, Allegheny County, PA 15203), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of 750 shares of the issued and outstanding stock from Linda J. Gasper to Carl J. Gasper, Jr. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before June 3, 1996.

- A-00113023 Thomas D. Shotwell, Jr., t/d/b/a Willow Place Trucking Rear 717 McAlpine Street, Avoca, PA 18641
- A-00113024 ADC Recycling Corporation 1060 Conshohocken Road, Conshohocken, PA 19428
- A-00113029 Joseph P. Benfield, Jr., t/d/b/a J & D Paving 282 Landis Store Road, Boyertown, PA 19512
- A-00104196, F. 3 Total Transportation Corp. 301 Moon-Clinton Road, Coraopolis, PA 15108
- A-00113030 Randy G. Smith Trucking, Inc. R. D. 1, Box 454, Morrisdale, PA 16858; Dwight L. Koerber, Jr., P. O. Box 1320, Clearfield, PA 16830

- A-00113031 Leonard G. Hartle 279 Higgins Road, Hilliards, PA 16040
- A-00113032 Dedicated Delivery Service, Inc. 1820 East Race Street, Allentown, PA 18103; James W. Patterson, Esquire, One Liberty Place, 32nd Floor, 1650 Market Street, Philadelphia, PA 19103-7393
- A-00113033 Thomas P. Bowman R. R. 4, Box 331B, Bloomsburg, PA 17815
- A-00113034 Doug A. Mansfield, t/d/b/a Mansfield Express P. O. Box 357, Girard, PA 16417
- A-00113035 Pirollo Transport Co., Inc. 6312 Hooker Street, Pittsburgh, PA 15206
- A-00113036 Flash Courier, Inc. 101 Shawnee Road, Ardmore, PA 19003; Andre C. Dasent, 785 Bourse Building, 21 South Fifth Street, Philadelphia, PA 19106

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-842. Filed for public inspection May 17, 1996, 9:00 a.m.]

**PUBLIC SCHOOL
EMPLOYES' RETIREMENT
BOARD**

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

- June 12, 1996 Dorothy McCracken (Disability Eligibility) 1 p.m.
- Daniel McGinley (Multiple Service) 2:30 p.m.
- June 17, 1996 Mary E. Smith (Disability) 1:30 p.m.
- June 26, 1996 Adrienne P. Sandler (Overpayment) 1 p.m.
- Patricia A. Woods (Multiple Service) 2:30 p.m.
- May 29, 1996 Marilyn P. Campbell (Purchase of Maternity Leave) 1 p.m.
- Larry E. Brown (Membership Eligibility) 2:30 p.m.

Persons with a disability, who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings

should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

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 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JAMES A. PERRY,
Secretary

[Pa.B. Doc. No. 96-843. Filed for public inspection May 17, 1996, 9:00 a.m.]

STATE BOARD OF EDUCATION

Applications of the Blackhawk School District and the South Side Area School District to Withdraw Sponsorship from the Community College of Beaver County; Doc. Nos. CC-96-1 and CC-96-2

On February 28, 1996, the Blackhawk School District (Blackhawk) filed with the State Board of Education (State Board) an Application for Withdrawal of Sponsorship, seeking the approval of the State Board to withdraw as a local sponsor of the Community College of Beaver County (Community College) under section 1910-A of the Public School Code of 1949 (24 P. S. § 19-1910-A).

On March 19, 1996, the South Side Area School District (South Side) filed with the State Board an Application for Withdrawal of Sponsorship of Community College of Beaver County, seeking approval by the State Board of South Side's withdrawal as a local sponsor of the Community College.

By Resolution adopted March 14, 1996, the State Board directed its chairperson to establish a three-member committee to conduct proceedings under the General Rules of Administrative Practice and Procedure (General Rules), 1 Pa. Code Part II, and to issue a report to the State Board recommending action respecting Blackhawk's application. Upon receipt of the similar application of South Side, the chairperson of the State Board determined that the Resolution regarding Blackhawk's application should apply also to the application of South Side.

On March 27, 1996, the State Board received from the Community College of Beaver County an Answer to Application for Withdrawal of Sponsorship opposing Blackhawk's application. On March 29, 1996, the State Board received a similar answer by the Community College opposing South Side's application.

In accordance with the State Board's Resolution, the chairperson of the State Board appointed a three-member committee composed of William R. Smith (Chairperson), E. Peter Benzing and Constance H. Davis. Under its authority under the Resolution and the General Rules, the Committee will conduct a hearing at the Community College of Beaver County on June 4, 1996 to consider the merits of the applications made by Blackhawk and South Side.

Any person or entity wishing to participate in the proceedings before the Committee and the State Board must file with the State Board office a written petition to intervene, notice of intervention, protest or request to make public comment in accordance with the requirements of the General Rules. To be considered by the Committee, any petition, notice, protest or request must be received at the State Board office no later than Friday, May 24, 1996.

All communications with the State Board must be made to the office of the State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, telephone (717) 787-3787. (PA Relay Service 1-800-654-5984). Copies of the State Board's Resolution, the application of Blackhawk and South Side and the Community College's answers to the application are available from the State Board office.

Persons with a disability needing special accommodations to attend the hearing or participate in this process should contact the State Board of Education office at the telephone or PA Relay Service numbers listed above so that arrangements can be made.

PETER H. GARLAND,
Executive Director

[Pa.B. Doc. No. 96-844. Filed for public inspection May 17, 1996, 9:00 a.m.]

STATE SYSTEM OF HIGHER EDUCATION

Request for Bids

Edinboro University of Pennsylvania of the State System of Higher Education is interested in obtaining bids for renovations to Commonwealth House, Project #K-96066. Contracts include demolition, painting and carpeting. There is a prebid meeting on May 23, 1996, at Edinboro University. Bid proposals are due and will be opened publicly on May 31, 1996. For further information, or to request contract documents at a nonrefundable cost of \$25, bidders can contact Angela Holler, Director of Purchasing, Edinboro University, Edinboro, PA 16444, phone (814) 732-2704.

Nondiscrimination and equal opportunity are policies of the Commonwealth and the State System of Higher Education.

JAMES H. MCCORMICK,
Chancellor

[Pa.B. Doc. No. 96-845. Filed for public inspection May 17, 1996, 9:00 a.m.]

TREASURY DEPARTMENT

Invitation to Bid

The Treasury Department will issue an invitation to bid at 9 a.m. on Monday, May 20, 1996, for printing services for the Tuition Account Program. Copies of the Invitation to Bid can be obtained from the Treasury Department Office of Procurement, Room 3T, Finance Building, Harrisburg. The contact person is Margaret M. Hain, Executive Assistant, (717) 772-5134. Bid sheets

must be delivered to the Treasury Department no later than June 7, 1996, at 11 a.m.

CATHERINE BAKER KNOLL,
State Treasurer

[Pa.B. Doc. No. 96-846. Filed for public inspection May 17, 1996, 9:00 a.m.]

communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-848. Filed for public inspection May 17, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for:

1) Salt Storage Building at Devault Maintenance Facility, M. P. 316.27, Chester Co., PA. Mandatory Pre-Bid Inspection: May 30, 1996, 10 a.m. Open Date: June 6, 1996, 11:30 a.m.

Bids will be received by the Director of Purchases not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-847. Filed for public inspection May 17, 1996, 9:00 a.m.]

Request for Bids

The Turnpike Commission is requesting a sealed bid for: Carbide Cutting Edges and Steel Cover Blades. Open Date: May 29, 1996, 11:30 a.m.

Bids will be received by the Director of Purchases not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 95-009-RP72. Scour mitigation for bridge nos. NB-204 at M.P. A-20.70; NB-525 at M.P. A-54.30, and NB-526 at M.P. A-54.60 on the Northeast Extension.

Bid Opening: June 13, 1996, 11 a.m.

Bid Surety: 5%

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$35 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-849. Filed for public inspection May 17, 1996, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

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

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Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

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These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

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CATHERINE BAKER KNOLL,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**NOTICE TO VENDORS:**

Subject: Non-mandatory pre-bid conference Contract No. 9110-01 Coal, Anthracite.

A prebid conference for this contract is scheduled for May 21, 1996, from 9 a.m. until 12 noon. The meeting will be held at the Public Utility Commission's Hearing Room No. 1, on the first floor of the North Office Building, located at the corner of North Street and Commonwealth Avenue.

Commodities**1305-01** Ammunition.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

2306-01 Police vehicle, pursuit/patrol/security—large size.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

3610-01 Lease with purchase option of copying machines.

Department: All Using Agencies
Location: Various locations
Duration: 10/01—09/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

4240-01 Seats, car, infants and children's passenger safety seats.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

5610-25 Antiskid material, District 1-12.

Department: Transportation
Location: Various locations
Duration: 08/15—08/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

5625-01 Materials, partitions and ceilings.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

5820-04 Global positioning systems.

Department: All Using Agencies
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

5999-01 Electrical supplies—catalog only.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6330-01 Fuses.

Department: All Using Agencies
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6515-06 Gloves, surgical.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

6520-01 Dental supplies.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7350-07 Serviceware/flatware/disposable and reusable.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

7930-04 Dishwashing compound, machine.

Department: All Using Agencies
Location: Various locations
Duration: 09/15—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8305-01 Cheesecloth, bleached.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: 09/15—09/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8415-02 Headgear, protective and accessories.

Department: All Using Agencies
Location: Various locations
Duration: 10/01—09/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9120-03 Producer's gas (natural gas).

Department: All Using Agencies
Location: Various locations
Duration: 12/1—11/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9140-01 Fuel oil no. 2.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

9140-04 Fuel, diesel.

Department: All Using Agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1026116 Agricultural equipment, machinery and supplies—various amounts and different sizes; frames, 12 ga welded EMA 5" hinges, etc. w/appropriate accessories.

Department: Graterford
Location: Graterford, Montgomery County, PA 19426-0246
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1017116 Containers, household, commercial, packaging and packing—4 million; milk cartons; 1/2 pt., 2% milk (light blue)—1 million; milk cartons; 1/2 pt., skim milk color (red).

Department: Corrections
Location: Graterford, Montgomery County, PA 19426
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8503170 Engines, turbines and components—various amounts; hydraulic parts as manufactured by Commercial Shearing, Inc., no substitute w/appropriate accessories.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17110
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

2656215 Food preparation and serving equipment—various each; Royal can soda vending machine, Model 552-8 or approved equal w/appropriate accessories.

Department: Public Welfare
Location: Harrisburg, Dauphin County, PA 17105-2675
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

2441135 Highway maintenance equipment—1 each; latest model 72" front mount mower.

Department: Military Affairs
Location: Spring City, Chester County, PA 19475
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231290 Highway maintenance equipment—2 each; latest model mulcher, hay, trailer mounted w/option same as No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231630 Motor vehicles—11 each; 1996 model executive sedan—5 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

2649155 Recreational and athletic equipment/supplies—6 each; Stageright No. FR-23 No. 305315 6' x 8' dual surface fold and roll stage (black polytrac/gray carpet) minimum adjustable height 16"—24" w/appropriate accessories.

Department: Pennsylvania State University
Location: University Park, Centre County, PA 16801
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1043386 Safety equipment/supplies—600 each; extinguisher, fire, water (stainless steel back-pack), Type II, embossed.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA 17105-8552
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

1044386 Safety equipment/supplies—600 each; fire broom, consisting of 20—30 metal tines attached to a metal broom head with either a wooden or an aluminum handle attached—400 each; forest fighting shovels; round point, fully sharpened blade, high lift angle 38 inch fire-hardened, power driven wooden handle—1800 each; forest fire line rake equal or greater in quality to council fire rake Model LW12H.

Department: Conservation and Natural Resources
Location: Harrisburg, Dauphin County, PA 17105-8552
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

2646075 Safety equipment/supplies—various amounts; bicycle safety helmets, different sizes for children.

Department: Health
Location: Harrisburg, Dauphin County, PA 17108-0090
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231590 Tractors—1 each; latest model mower, tractor with boom arm and rotary head (2120/Spec. Type B)—1 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231270 Trailers/cycles—2 each; latest model 20K trailer, Tag-A-Long w/option same as No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231080 Trailers/cycles—1 each; latest model trailer, 20 ton, 27' long (3488/Spec. Type 3)—1 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231380 Trucks/construction vehicles—11 each; 1996 model compact enclosed type 4x4 truck with daytime running lights—11 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231600 Trucks/construction vehicles—1 each; latest model truck, paint with air conditioning and cruise control, automatic transmission—1 each; option: same as item No. 1.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

8231480 Trucks/construction vehicles—various amounts; latest model truck, oil distributor, w/options.

Department: Transportation
Location: Harrisburg, Dauphin County, PA 17120
Duration: Indeterminate 1995-96
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

SERVICES

Agricultural Services—02

FL 350437—FL 350445 Provide fish feed products used in a Statewide fish culture program during the period July 01, 1996 through September 30, 1996. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

Department: Fish and Boat Commission
Location: Statewide to various fish culture stations as requested
Duration: July 01, 1996—September 30, 1996
Contact: Dennis C. Ricker, (814) 359-5141

PGC-2518 The equivalent of Game Bird (pheasant) Grower 1 (190 tons) pellet size 5/32, together with the following addition: mash—bagged in 100 lb. bags, delivered in lots of 1,200 lbs.; crumbles—no whole pellets and 0% on a 10 mesh screen; medication added to the feed as requested by superintendent. Request quotes on Amprolium 0.0175% (22.40 lbs.) and Thiabendazole 0.05% or 2 1/4 lbs. of TBZ "200/Ton" (45 lbs.). Bulk delivery—pneumatic blower unloading. Delivery in 8—24 ton lots. Bids will be opened at 11:00 a.m. June 17, 1996 at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Department: Game Commission
Location: Bureau of Wildlife Management, Southwest Game Farm, R. D. 1, Box 51-A, New Bethlehem, PA 16242
Duration: 7/15/96—11/15/96
Contact: Robert Hodge, Superintendent, (814) 275-2509

PGC-2519 The equivalent of Game Bird (pheasant) Grower 1 (220 tons) pellet size 5/32, together with the following addition: mash—bagged in 100 lb. bags, delivered in lots of 1,200 lbs.; crumbles—no whole pellets and 0% on a 10 mesh screen; medication added to the feed as requested by superintendent. Request quotes on Thiabendazole 0.05% or 2 1/4 lbs. of TBZ "200/Ton" (270 lbs.). Bulk delivery—pneumatic blower unloading. Delivery in 8—24 ton lots. Bids will be opened at 11:00 a.m. June 5, 1996 at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Department: Game Commission
Location: Bureau of Wildlife Management, Northcentral Game Farm, HC-31, Box 335, Williamsport, PA 17701
Duration: 7/1/96—11/15/96
Contact: Bruce Guinter, Superintendent, (717) 478-2527

PGC-2520 The equivalent of Game Bird (pheasant) Grower 1 (180 tons) and Grower 2 (160 tons) pellet size 5/32, together with the following additions: mash—bagged in 100 lb. bags, delivered in lots of 1,200 lbs.; crumbles—no whole pellets and 0% on a 10 mesh screen; medication added to the feed as requested by superintendent. Request quotes on Thiabendazole 0.05% or 2 1/4 lbs. of TBZ "200/Ton" (281.25 lbs.). Bulk delivery—pneumatic blower unloading. Delivery in 8—24 ton lots. Bids will be opened at 11:00 a.m. June 7, 1996 at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Department: Game Commission
Location: Bureau of Wildlife Management, Loyalsock Game Farm, R. D. 2, Box 803, Montoursville, PA 17754
Duration: 7/1/96—12/31/96
Contact: Clair Souter, Superintendent, (717) 435-2043

PGC-2521 The equivalent of Game Bird (pheasant) Grower 1 (260 tons) and Grower 2 (200 tons) pellet size 5/32, together with the following additions: medication added to the feed as requested by superintendent. Request quotes on Thiabendazole 0.05% or 2 1/4 lbs. of TBZ "200/Ton" (585 lbs.). Grower 1; 315 lbs.; Grower 2; 270 lbs. Bulk delivery—pneumatic blower unloading. Delivery in 12—24 ton lots. Bids will be opened at 11:00 a.m. June 10, 1996 at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Department: Game Commission
Location: Bureau of Wildlife Management, Western Game Farm, R. D. 1, Cambridge Springs, PA 16403
Duration: 7/1/97—1/15/97
Contact: Larry Mears, Superintendent, (814) 398-2271

Computer Related Services—08

L&I-10-96 "REBID"—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, 1996 through June 30, 1998
Contact: Sheritta A. Richardson, (717) 787-3323

ME No. 60049, RFP No. 1996-10 The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Frackville in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management.

Department: Education
Location: Bureau of Correction Education, State Correctional Institution Frackville, 1111 Altamont Boulevard, Frackville, PA 17931-2699
Duration: August 1, 1996 through June 30, 2001
Contact: Ed Dutton, Project Director, (717) 874-4516

Construction Maintenance—09

Project No. DGS A 999-82 Project title: Drainage and Parking Lot Improvements. Brief description: Repair 23' W x 8' H steel plate arch culvert. Construct 600 square yards of bituminous parking lot. Slurry seal 6400 square yards of road and parking lot. Mill and resurface sidewalks. Remove 500 gallon gasoline and 6000 gallon fuel oil underground storage tanks. Perform miscellaneous site work and repairs. Miscellaneous construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 2:00 p.m.

Department: General Services
Location: Pennsylvania Lumber Museum, Galeton, Potter County, PA
Duration: 135 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

080896 Butler County, GR 102-96/97-GR; Clarion County, GR 103-96/97-GR; Indiana County, GR 104-96/97-GR; Jefferson County, GR 105-96/97-GR; Greene County, GR 12-96-S12; Delaware County, GR 6-96-SWP.

Department: Transportation
Location: Districts 6, 10, 12
Duration: FY 1995/1996
Contact: V. C. Shah, P.E., (717) 787-5914

080895 Crawford County, SR 1007-B00; Crawford County, SR 77-B02; Forest County, SR 948-B00; Mercer County, SR 358-01M; Mercer County, GR 1-96-401/501; Potter County, SR 2003-A01; Northumberland County, SR 147-58M; Lackawanna County, SR 1014-202; Berks County, SR 1004-01M; Berks County, SR 222-20B; Berks County, GR 5-96-POC1C; Berks County, GR 5-96-POC1D; Berks County, SR 724-03M; Lehigh County, GR 5-96-POC3A; Lehigh County, GR 5-96-POC3B; Monroe County, GR 5-96-POC4A; Northampton County, GR 5-96-POC5A; Delaware County, GR 6-96-ST18; Montgomery County, SR 29-VAR; Adams County, SR 94-002; Franklin County, SR 11-017; Dauphin County, SR 743-011; Dauphin County, GR 8-96-GR5; Lancaster County, SR 772-008; Lebanon County, GR 8-96-GR8; Armstrong County, GR 101-96/97-GR.

Department: Transportation
Location: Districts 1, 2, 3, 4, 5, 6, 8, 10
Duration: FY 1995/1996
Contact: V. C. Shah, P.E., (717) 787-5915

Contract No. FDC-313-177 Work consists of diversion and care of water; excavating; topsoiling and seeding, Derrick Stone; riprap, cast-in-place reinforced concrete; and concrete restoration at Shawnee State Park.

Department: Conservation and Natural Resources
Location: Napier Township, Bedford County, PA
Duration: 120 days after notice to proceed
Contact: Construction Management, (717) 787-5055

Contract No. FDC-428-75 Replacement of concrete spillway at Locust Lake State Park. Work includes removal of concrete and masonry structures; clearing and grubbing; diversion and care of water; rolled embankment; excavation, backfill, and seeding; gravel drains; and cast-in-place reinforced concrete walls and slabs.

Department: Conservation and Natural Resources
Location: Ryan Township, Schuylkill County
Duration: 120 days after notice to proceed
Contact: Construction, (717) 787-5055

Engineering Services and Consultation—14

08430AG1993 To provide construction inspection for S. R. 0019, Sections A10 and A18, intersection of Boyce Road and T. R. 19 and T. R. 19 from the Allegheny/Washington County line to S. R. 3004, Allegheny County.

Department: Transportation
Location: Engineering District 11-0
Duration: Eleven (11) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

OSM 26(1000)201.1 Rebid. Abandoned Mine Reclamation, Whitsett North. Involves an estimated 48,000 c. y. of grading, 8 acres of 6 inch thick impervious soil, 8 acres of 12 inch thick soil cover and 8 acres of seeding. One hundred percent of this project is financed by the Federal Government. Federal funds available for this program total 19.04 million dollars for Pennsylvania's 1995 AML Grant.

Department: Environmental Protection
Location: Perry Township, Fayette County
Duration: 360 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Project No. DGS A 961-7 Project title: Install Sewer Line. Brief description: install 850 plus or minus feet of new 6" PVC sanitary sewer including manholes and an oil/water separator. Connect the new sewer to an existing municipal sewer. Plumbing construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Bid date: Wednesday, June 5, 1996 at 11:00 a.m.

Department: General Services
Location: Phoenixville Armory, Phoenixville, Chester County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

OSM 59(6664)101.1 Abandoned Mine Reclamation, Coal Creek East. Involves an estimated 267,000 c. y. of grading and 54 acres of seeding. One hundred percent of this project is financed by the Federal Government. Federal funds available for this program total 19.04 million dollars for Pennsylvania's AML Grant.

Department: Environmental Protection
Location: Hamilton Township, Tioga County
Duration: 300 days after notice to proceed
Contact: Construction Contracts Unit, (717) 783-7994

Financial and Insurance Consulting—17

X102129 Provide credit bureau inquiry services to include Trace, Hawk and Atlas services.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: 7/1/96—6/30/98 with option to renew
Contact: Ally Castaneira, (717) 787-2471/TDD users 1-800-654-5984

Firefighting Services—18

304-07338 Contractor to furnish necessary labor and materials for the annual inspections and one (1) hydrostatic test of fixed fire protection systems over a three (3) year period at the following buildings in the Capitol Complex, Harrisburg: North Office Building, South Office Building, Labor and Industry Building, Transportation and Safety Building, East Wing Building, Agriculture Building at 2301 Cameron Street, Harrisburg, Forster Street Office Building at 22nd and Forster Streets, Archives and Museum Building, Publications Building, State Record Center, and Rachel Carson Building.

Department: General Services
Location: Buildings and Grounds, Capitol Complex Buildings, Harrisburg, PA 17125
Duration: July 1, 1996 through June 30, 1999
Contact: Carlos Ramos, (717) 787-5412

Food—19

594-95 Prepared salads, various types for delivery August through November 1996. For more details, request bid proposal, Inquiry No. 594-95.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: August—November, 1996
Contact: Sue Brown, Purchasing Agent, (610) 270-1026

D-8170 Eggs—Fresh (USDA Grade A) to be delivered once a week.

Department: Corrections
Location: State Correctional Institution at Waynesburg, R. D. 1, Box 67, Waynesburg, PA 15370
Duration: July 1, 1996 through June 30, 1997
Contact: Judith Cook, Purchasing Agent, (412) 627-6185

D-8171 Contractor shall provide cola products and the dispensers at two locations at the institution for a period of one year.

Department: Corrections
Location: State Correctional Institution at Waynesburg, R. D. 1, Box 67, Waynesburg, PA 15370
Duration: July 1, 1996 through June 30, 1997
Contact: Judith Cook, Purchasing Agent, (412) 627-6185

D-8172 Milk low fat, 2% butterfat and under. To be packed in (5) gallon dispenser containers. Cottage cheese, low fat, large curd, packaged in (5) lb. containers. Skim milk 8 oz. individual cartons, 44 cartons per case. Deliveries to be twice a week.

Department: Corrections

Location: State Correctional Institution at Waynesburg, R. D. 1, Box 67, Waynesburg, PA 15370

Duration: July 1, 1996 through June 30, 1997

Contact: Judith A. Cook, Purchasing Agent, (412) 627-6185

Fuel Related Services—20

878 Provide and install a complete turn key system for a new 2,000 gallon above ground (concrete encased) vaulted unleaded gasoline storage tank and dispensing system at Polk Center.

Department: Public Welfare

Location: Polk Center, Polk, Venango County, PA 16342

Duration: 4/25/96—6/30/97

Contact: Patty Frank, (814) 432-0397

Project No. DGS A 553-74 Project title: Deaerator Replacement at Boiler Plant. Brief description: furnish and install a new 40,000 LB/HR tray-type deaerator unit in the boiler plant including related piping, valves, insulation, controls, electrical circuits and a new steel platform. The existing deaerator unit shall remain. Mechanical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 2:00 p.m.

Department: General Services

Location: Selinsgrove Center, Selinsgrove, Snyder County, PA

Duration: 180 calendar days from date of initial job conference

Contact: Contract Bidding Unit, (717) 787-6556

Contract No. FDC-002-24 Work consists of removing the following existing underground fuel systems 1—550 gallon tank; 3—1,000 gallon and 1—3,000 gallon gas tanks and 1—1,000 gallon diesel fuel tank at various sites in Forest District No. 2.

Department: Conservation and Natural Resources

Location: Ayr and Brush Creek Townships, Fulton County; Southampton Township, Bedford County; and Letterkenny Township, Franklin County

Duration: 60 days after notice to proceed

Contact: Construction Management, (717) 787-5055

Hazardous Material Services—21

304-07347 Contractor shall provide laboratory services for the analyses of asbestos sampling.

Department: General Services

Location: Buildings and Grounds, Room 403 North Office Building, Harrisburg, PA 17125

Duration: July 1, 1996 through June 30, 1999

Contact: Robert Spoljaric, (717) 783-1170

304-07333 Contractor to provide all material and labor for analysis, transportation and disposal of hazardous waste.

Department: General Services

Location: Buildings and Grounds, Room 403 North Office Building, Harrisburg, PA 17125

Duration: July 1, 1996 through June 30, 1999

Contact: Robert Spoljaric, (717) 783-1170

948-41.OA Environmental Consultant Services for the Abatement of Hazardous Substances. Design and development of plans and specifications for the abatement of hazardous substances in the Transportation and Safety Building, in preparation for its demolition. QA/QC Sampling and Testing during abatement, post abatement clearance testing, during and after demolition. RFP Price: \$150.00 (Includes PA Sales Tax) per RFP. Payable to: Commonwealth of Pennsylvania. This price is non-refundable. Mail requests to: Department of General Services, BPSAS, Room 107 Headquarters Building, Harrisburg, PA 17125. Contact 717-787-3923. Bldg. walk-thru on Wed., June 5, 1996 at 4:00 p.m. in the auditorium, State Museum of PA, 3rd and North Sts., Harrisburg, PA 17125. Pre-proposal conference immediately following bldg. walk-thru. Questions must be received in writing by the issuing office (Fax: 717/772-2036) no later than 5:00 p.m. Fri., May 31, 1996. In addition, all proposers shall fax attendance information with names of the individuals (maximum 2) that will be present at these meetings. All proposals are due Tues., June 25, 1996, no later than 2:00 p.m.

Department: General Services

Location: Transportation and Safety Building, Harrisburg, Dauphin County, PA

Contact: Contract Bidding Section

Heating, Ventilation, Air Conditioning—22

Project No. DGS A 229-2 Project title: Install New Electrical Service and Wiring. Brief description: install new incoming electrical service, replace branch circuit panels, install new wireways and branch circuiting and install new generator and automatic transfer switch. Mechanical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 11:00 a.m.

Department: General Services

Location: PA State Police, Troop "B" Washington Headquarters, Washington, Washington County, PA

Duration: 130 calendar days from date of initial job conference

Contact: Contract and Bidding Unit, (717) 787-6556

1996-02 Contractor to provide complete maintenance program for computer room air conditioning system and power central.

Department: Public Utility Commission

Location: Basement of North Office Building, Harrisburg, PA

Duration: 2 years

Contact: John Kitch, (717) 787-4224

Janitorial Services—23

SP-315503 Provide janitorial services at the Northumberland County Assistance Office located at 5 South 5th Street, Shamokin PA. Complete details and specifications may be obtained by contacting the Personnel Office.

Department: Public Welfare
Location: Northumberland CAO, 5 South 5th Street, Shamokin, PA 17872
Duration: 01/01/97 to 12/31/98
Contact: Linda Reynolds, (717) 783-9699

JC-16-96 Janitorial services: General office cleaning work, involving approximately 4,700 sq. ft. to be performed 5 nights/week. Weekly, monthly, quarterly and semi-annual cleaning.

Department: Labor and Industry
Location: Job Center Field Operations, 120 North Charlotte Street, Pottstown, Montgomery County, PA 19464
Duration: October 1, 1996 through September 30, 1997
Contact: Geraldine M. Shaner, (610) 323-0960

JC-17-96 To provide janitorial services in a one floor building (5,508 sq. ft.). Includes general cleaning of office and rest rooms, sweeping and mopping floors, dusting, washing walls, partitions, woodwork and cleaning windows. Also, included is stripping and waxing of the tile floors, shampooing of the carpet every quarter, and as needed, mowing of grass and pulling weeds and removing debris. More detailed specifications will be supplied with bid packages. **Required to spend at least 4 (four) hours an evening in order to meet the requirements.

Department: Labor and Industry
Location: Shamokin Job Center, 941 West Arch Street, Coal Township, Northumberland County, PA 17866
Duration: 10/1/96--9/30/98
Contact: David F. Matash, (717) 644-4376

JC-18-96 Janitorial service. Daily cleaning of restrooms and emptying trash cans. Floor care: daily sweeping and damp mop where necessary, strip and wax every 6 months. Walls in public hall and reception area washed once weekly. Shampoo carpet once every 6 months. Involves 5,715 square feet. 100% Federally funded.

Department: Labor and Industry
Location: State College Job Center, 210 West Hamilton Avenue, State College, Centre County, PA 16801
Duration: 10-1-96 through 9-30-97
Contact: John M. Urban, Manager, (814) 865-8051

Medical Services—29

SP-315502 Contractor to provide two sign interpreters for regular monthly meetings of the State I.C.C. and its Ad Hoc Committee held in Harrisburg, PA. Details can be obtained by contacting the Procurement office.

Department: Public Welfare
Location: Office of Mental Retardation, Room 512 Health and Welfare Building, Harrisburg, PA
Duration: 07/01/96 through 06/30/98
Contact: Ed Blandy, (717) 772-4883

236003105 Board certified physician(s) in either industrial or occupational medicine is needed to provide the Department with expertise in occupational health, disease control, and medical surveillance. Physician(s) will be required to review medical documentation, attend hearings and legal proceedings, provide technical assistance related to occupational health, disease control, and medical surveillance. Physician(s) will be required to give presentations on health and safety issues to groups of employees.

Department: Transportation
Location: Harrisburg, PA
Duration: 7-1-96 to 6-30-97 plus renewals for (4) years
Contact: Dee Kertulis, (717) 787-6329

LH-SER008 Contractor to provide full service off-site pharmacy services. Bid on file at institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: 7/1/96 to 6/30/98
Contact: Richard C. Claycomb, Purchasing Agent II, (814) 443-0347

304-07335 Contractor to provide medical services as follows for Bureau Employees: comprehensive medical examination including medical and occupational history. Pulmonary function studies complete and clearance provided for respirator use by a pulmonist. Chest X-ray PA, and lateral read by a "B" reader.

Department: General Services
Location: Buildings and Grounds, Room 403 North Office Building, Harrisburg, PA 17125
Duration: July 1, 1996 through June 30, 1999
Contact: Robert Spoljaric, (717) 783-1170

Inquiry No. 8804 Eyeglass services: vendor to supply lenses, frames, frame repairs, etc. for individuals at Selinsgrove Center.

Department: Public Welfare
Location: Selinsgrove Center, Selinsgrove, Snyder County, PA 17870
Duration: July 1, 1996 to June 30, 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

Property Maintenance—33

Project No. DGS A 583-67 Project title: Replace Roof—Gary Bain Memorial Building. Brief description: remove all gravel from existing built-up roof. Approximately 1,000 square feet of roof should be removed down to the metal deck. Install a sprayed polyurethane foam and stone roofing system. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 11:00 a.m.

Department: General Services
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: 100 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Project No. DGS A 700-77 Project title: Clean and Restore Marquees. Brief description: restoration of copper marquees, clean roof drains, paint support rods, saturate existing roofing felts, install new lighting in ceiling and soffit. General and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 2:00 p.m.

Department: General Services
Location: Farm Show Complex, Harrisburg, Dauphin County, PA
Duration: 125 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Project No. DGS A 970-96 Project title: Masonry Repairs. Brief description: resetting stone panels, new brick walls, cleaning and repointing masonry. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 11:00 a.m.

Department: General Services
Location: PA National Guard Armory, 324 Emerson Street, Pittsburgh, Allegheny County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Project No. DGS A 1576-4 Project title: Addition to Correctional Industrial Building. Brief description: construct a 24' x 120' addition to the correctional industries building and extend all the utilities to the addition. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 2:00 p.m.

Department: General Services
Location: State Correctional Institution, Frackville, Schuylkill County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

304-07355 Contractor to furnish labor and equipment for the removal of snow from the grounds at the Scranton State Office Building. All work to be performed in accordance with standards of the trade. Snow shall be removed after a two hour notification by the Director of Bureau of Buildings and Grounds or his authorized representative, day or night, including weekends and holidays. All insurance coverage must be the responsibility of the contractor. Note: contractor is required to leave a delivery slip for services rendered where services are performed.

Department: General Services
Location: Buildings and Grounds, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18502
Duration: July 1, 1996 through June 30, 1999
Contact: Joseph Barret, (717) 963-4817

FC-79H Contract is for exterior wall insulation and finish system installation at the Big Spring Fish Culture Station residence, North Newton Township, Cumberland County, Pennsylvania. Project funded under Fiscal Year 1996/1997.

Department: Fish and Boat Commission
Location: Engineering Section, 450 Robinson Lane, Bellefonte, PA 16823-9620; Big Spring Fish Culture Station, North Newton Township, Cumberland County, PA
Duration: 90 days after receipt of order
Contact: Amos C. Ferguson, (814) 359-5105

SP 311351 Cleaning of ten modern cabins and routine cleaning of park office at Prince Gallitzin State Park. Bidders are encouraged to visit park site before bidding. Bid opening date: June 3, 1996—2:00 p.m., Prince Gallitzin State Park, 966 Marina Road, Patton, PA 16668-6317.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, Prince Gallitzin State Park, 966 Marina Road, Patton, PA 16668-6317
Duration: 07/01/96—06/30/01
Contact: J. William Mansberger, Park Operations Manager, (814) 674-1000

SP 311352 Services of mason contractor to construct basement of new park office at Prince Gallitzin State Park. Bidders are encouraged to visit park site before bidding. Bid opening date: June 5, 1996—2:00 p.m., Prince Gallitzin State Park, 966 Marina Road, Patton, PA 16668-6317.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, Prince Gallitzin State Park, 966 Marina Road, Patton, PA 16668-6317
Duration: 07/01/96—08/31/96
Contact: J. William Mansberger, Park Operations Manager, (814) 674-1000

Real Estate Services—35

898A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 10,000 useable square feet of new or existing warehouse space. Property offered must be within a twenty (20) mile radius of the intersection of I-297 and Greentree Road, with minimum parking for eight (8) vehicles. Proposals due: June 24, 1996. Solicitation No.: 092199.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1995-96
Contact: Doris Deckman or John Hocker, (717) 787-4394

899A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with a minimum of 16,063 useable square feet of new or existing office space in Washington County, with minimum parking for seventy (70) vehicles, within the following boundaries: within the Washington City Limits. In areas where street or public parking is not available, an additional one hundred (100) parking spaces are required. The office must be situated within three (3) blocks of a public transportation system. Proposals due: July 15, 1996. Solicitation No.: 092257.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1995-96
Contact: Doris Deckman or John Hocker, (717) 787-4394

900A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA Board of Probation and Parole with 17,500 useable square feet of new or existing office space. Property offered must be in Philadelphia, Philadelphia County within the following boundaries: North: South Street; South: Delaware River; East: Delaware River; West: Schuylkill River, with minimum parking for thirty (30) vehicles. Proposals due: July 15, 1996. Solicitation No.: 092266.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1995-96
Contact: Doris Deckman or Edward Meyer, (717) 787-4394

Sanitation—36

Project No. DGS A 973-9 Project title: Repairs to Sewage Disposal System. Brief description: "Slipline" existing sanitary sewers. Make miscellaneous repairs to sewage treatment plant and related equipment. Plumbing construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of PA, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 11:00 a.m.

Department: General Services
Location: Daniel Boone Homestead, Birdsboro, Berks County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

SP Bid No. 9609 Removal and disposal of boiler fly ash. Supply 20 cubic yard containers with liners on as needed basis. Estimated requirement for one year period—eleven containers.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505
Duration: 07/01/96—06/30/97
Contact: Stanley Rygelski, Purchasing Agent, (717) 587-7291

Security Services—37

SP-315501 Provide security guard services for Complex No. 2, located on the grounds of the Harrisburg State Hospital and the Bertolino Building, located at 1401 North 7th Street, Harrisburg. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Division of Office Services, P. O. Box 2675, Harrisburg, PA 17105-2675
Duration: 07/01/96 to 06/30/97
Contact: Linda Reynolds, (717) 783-9699

Project No. 37 Security guards.

Department: Military and Veterans Affairs
Location: PA Air National Guard, Pittsburgh Airport, Coraopolis, Allegheny County, PA
Duration: 1 October 96—30 September 1999
Contact: Emma Schroff, (717) 861-8518

Project No. DGS A 971-14 Project title: Replace Fire and Security System. Brief description: replace existing fire alarm system with new fully addressable system. Replace security system with new Point-ID type system. Electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 11:00 a.m.

Department: General Services
Location: PA Historical and Museum Commission, Pennsbury Manor, Morrisville, Bucks County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

Vehicle, Heavy Equipment and Powered Machinery Services—38

No. 7990 Car wash service for approximately 4 autos, 3 minivans and 5 fifteen passenger vans. Complete soap and water wash of exteriors and full service wash and clean of interiors of approximately 12 Commonwealth vehicles. Complete bid specifications can be obtained from the Purchasing Office of the Ebensburg Center. Car wash service must be located within five (5) miles of the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: July 1, 1996 through June 30, 1999
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

304-07343 Contractor to furnish labor and materials for the repair, overhaul/rebuilding of approximately 400 motors of various sizes and manufacturers. Note: After teardown of motor, if the cost exceeds 50% of the cost for a new motor, contractor is to contact Using Agency before repairing.

Department: General Services
Location: Buildings and Grounds, Capitol Complex, Harrisburg, PA 17125
Duration: July 1, 1996 through June 30, 1999
Contact: Sam Graci, (717) 787-7606

Project No. DGS A 975-5 Project title: ADA Improvements. Brief description: alter existing facility to comply with ADA requirements. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, June 5, 1996 at 2:00 p.m.

Department: General Services
Location: Cornwall Iron Furnace, Cornwall, Lebanon County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

11096004 Contractor to perform quarterly preventive maintenance service to approximately 50 Department vehicles.

Department: Transportation
Location: Engineering District 11-0, Contractor's location within 10 mile radius of Engineering District 11-0 Office Building, Bridgeville, Allegheny County, PA
Duration: August 1, 1996 through July 31, 1997 with renewal options
Contact: Sam Patterson, (412) 429-4942

10-96-10 Remove Versalift boom assembly from a 1980 Ford E-350 van and reinstall in a 1996 Ford E-350 van. All repair/overhaul procedures must be done in accordance with manufacturer's specifications. Upon completion, all applicable requirements of ANSI 92.2 must be met or exceeded.

Department: State Police
Location: Transportation Division, 20th and Herr Streets, Harrisburg, PA
Duration: 7/1/96 through 12/31/96
Contact: Richard Binker, Transportation Division, (717) 783-1318

[Pa.B. Doc. No. 96-850. Filed for public inspection May 17, 1996, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	Awarded On	To	In the Amount Of	Requisition or Contract No.	Awarded On	To	In the Amount Of
				2326115-01	05/06/96	Pennsylvania Sewing Machine Co.	25,779.00
1002116-01	05/06/96	Weinstein Supply Corp.	6,808.18	2326115-02	05/06/96	G & G Sewing Machine Co.	14,360.00
1002116-02	05/06/96	Pittsburgh Plumbing and Heating Supply Corp.	5,847.50	2352155-01	05/06/96	Washington Printing Supplies	284,235.00
1749305-01	05/06/96	Modern Handling Equipment Co.	20,992.00	2360385-01	05/06/96	Corvallis Micro Technology, Inc.	88,875.00
1905215-01	05/06/96	Keystone Ford Truck Sales, Inc.	30,079.00	2376205-01	05/06/96	Firearms Training Systems, Inc.	52,078.00
1935215-01	05/06/96	Tel-Equipment Co.	42,892.00	2378355-01	05/06/96	Environics, Inc.	12,824.28
1950205-01	05/06/96	Beaver Avionics Service, Inc.	28,122.00	2391115-01	05/06/96	S. W. Food Service Equipment Co.	14,004.00
2009385-01	05/06/96	Messick Farm Equipment, Inc.	9,000.00	2404115-01	05/06/96	DEI	90,423.99
2009385-01	05/06/96	Messick Farm Equipment, Inc.	9,000.00	2406385-01	05/06/96	Palco Sales Corp.	10,900.00
2080115-01	05/06/96	Kessenichs Ltd.	7,524.00	2411355-01	05/06/96	Safety Headquarters, Inc.	13,004.84
2084115-01	05/06/96	Cryan Construction, Inc.	24,968.00	2430115-01	05/06/96	Reliance Elevator Service	18,844.00
2129385-01	05/06/96	Phillips Ford Sales	42,980.00	2432135-01	05/06/96	United Restaurant Equipment, Inc.	15,993.00
2131385-01	05/06/96	Phillips Ford Sales	121,090.00	2436215-01	05/06/96	Essbar Equipment Co.	9,353.00
2144115-01	05/06/96	Morse Watchmans, Inc.	15,338.95	2438075-01	05/06/96	Clearview Printing Co.	877.40
2168355-01	05/06/96	Griffin Motors Co.	37,790.00	2440355-01	05/06/96	Environics, Inc.	53,600.00
2169355-01	05/06/96	Griffin Motors Co.	392,238.00	2444135-01	05/06/96	Gloekler Refrigerator Co.	7,625.00
2171355-01	05/06/96	Phillips Ford Sales	21,558.00	2454115-01	05/06/96	Marc-Service, Inc.	8,547.00
2224385-01	05/06/96	Dugan Tractor, Inc.	9,699.75	2469115-01	05/06/96	Rohrer Bus Sales	30,981.00
2262155-01	05/06/96	Leica, Inc.	91,386.90	2470075-01	05/06/96	Moore Business Forms, Inc.	34,245.00
2288115-01	05/06/96	Allegheny Refrigeration Service	10,188.00	2471225-01	05/06/96	Liftanroll Products, Inc.	4,430.75
2308185-01	05/06/96	Cardels	13,550.00	2472135-01	05/06/96	Reinford Lawn and Garden	13,643.08
2315115-01	05/06/96	USM Corporation	223,255.00	2473115-01	05/06/96	Griffin Motors Co.	19,567.00

STATE CONTRACTS INFORMATION

2391

Requisition or Contract No.	Awarded On	To	In the Amount Of	Requisition or Contract No.	Awarded On	To	In the Amount Of
2480115-01	05/06/96	Phillips Ford Sales	20,642.00	7313390-01	05/06/96	United Steel and Wire Co.	14,076.00
2489215-01	05/06/96	Clark Food Serv. Div. Clark Assoc.	30,267.00	8055330-01	05/06/96	Data Systems Plus, Inc.	62,150.00
2491385-01	05/06/96	Smith's Implementations, Inc.	27,834.00	8158870-01	05/06/96	Akzo Nobel Salt, Inc.	443,065.65
2503115-01	05/06/96	Merkur Steel Supply, Inc.	25,286.55	8170060-01	05/06/96	Akzo Nobel Salt, Inc.	310,997.21
2505125-01	05/06/96	NCR Corporation	31,380.00	8231030-01	05/06/96	Hesco	133,405.00
2509075-01	05/06/96	Moore Business Forms, Inc.	2,170.00	8231060-01	05/06/96	Highway Equipment and Supply Co.	317,150.00
2516155-01	05/06/96	Armstrong Medical	3,568.00	8231130-01	05/06/96	Gencor Industries, Inc.	32,989.00
2516155-02	05/06/96	Delcrest Medical Products	891.95	8231140-01	05/06/96	Seims Rental and Sales Co., Inc.	18,790.00
2516155-03	05/06/96	Med-Electronics	3,552.00	8231150-01	05/06/96	Highway Equipment and Supply Co.	108,290.00
2534155-01	05/06/96	Journal Publishing Co.	25,690.70	8231190-01	05/06/96	Groff Tractor and Equip. Co.	44,296.00
2535305-01	05/06/96	Hollinger Corporation	7,980.00	8231190-02	05/06/96	Approved Equipment Co.	43,691.16
2537305-01	05/06/96	Lynn Ladder and Scaffolding	6,810.00	8231210-01	05/06/96	Sweepster Jenkin Equip. Co., Inc.	26,103.00
2543165-01	05/06/96	Buller Fixture Co., Inc.	14,160.00	8231230-01	05/06/96	Approved Equipment Co.	9,556.08
2552225-01	05/06/96	Gateway Press, Inc.	37,225.00	8231320-01	05/06/96	Swenson Spreader Co.	47,916.00
2555155-01	05/06/96	Nu-Aire, Inc.	18,731.85	8231340-01	05/06/96	Boyles Motor Sales, Inc.	61,472.00
2556155-01	05/06/96	The Baker Company, Inc.	79,640.00	8231340-02	05/06/96	Tenco USA, Inc.	376,380.00
2557155-01	05/06/96	The Baker Co.	71,100.00	8231350-01	05/06/96	Walsh Equipment, Inc.	19,887.00
2558155-01	05/06/96	Library Design and Equipment Co.	79,848.00	8915-04	05/01/96	Bernard Food Inds., Inc.	45,370.00
2561385-01	05/06/96	Griffin Motors Co.	18,806.00	8915-04	05/01/96	Feeser's, Inc.	210,650.10
2566185-01	05/06/96	Alling and Cory	9,937.50	8915-04	05/01/96	Tova Industries, Inc.	140,012.00
2587135-01	05/06/96	Westburgh Electric, Inc.	11,433.00				
2625205-01	05/06/96	Kutco Printing	22,477.19				
2625205-02	05/06/96	Gancom	19,640.40				
7297020-01	05/06/96	Hoffman Ford Sales, Inc.	69,965.00				
7297600-01	05/06/96	Computerland of Pittsburgh	24,867.18				
7313380-01	05/06/96	Calico Industries, Inc.	29,820.00				

GARY E. CROWELL,
Secretary

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