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# PENNSYLVANIA BULLETIN

Volume 27

Number 23

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Pages 2725—2806

**Agencies in this issue:**

The Courts  
Bureau of Professional and Occupational  
Affairs  
Delaware River Basin Commission  
Department of Agriculture  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Fish and Boat Commission  
Game Commission  
Historical and Museum Commission  
Human Relations Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission

**Detailed list of contents appears inside.**

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

**No. 271, June 1997**

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**BULLETIN**

(ISSN 0162-2137)

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

#### Printing Format

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

#### Fiscal Notes

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

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

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1997.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulation Under 42 Pa.C.S. § 3502(a); No. 183; Doc. No. 1

#### Order

*Per Curiam:*

And now, this 19th day of May, 1997, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulation.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103, the immediate promulgation of the regulation is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. 103(b) and is effective immediately.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

#### Subchapter K. COSTS, FINES AND FEES

#### § 29.401. Scope.

(a) The Pennsylvania Supreme Court, pursuant to Art. 5, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, clerks of courts of all courts of common pleas and recorders of deeds, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including district justices, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

(b) Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), the following regulations are adopted to implement Act 167 of 1992, 15 Pa.C.S. § 153(a)(8)(vii), 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

#### § 29.402. Costs under 42 Pa.C.S. § 1725.1.

(a) *Civil cases.*—In calendar year [1997] 1998, the costs to be charged by district justices in every civil case,

except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less . . . [ \$33.50 ] \$35.00
- (2) Actions involving more than \$500 but not more than \$2,000 . . . . . [ \$45.00 ] \$46.00
- (3) Actions involving more than \$2,000 but not more than \$4,000. . . . . [ \$56.00 ] \$57.50
- (4) Actions involving more than \$4,000 but not more than \$8,000. . . . . [ \$83.50 ] \$86.50
- (5) Landlord-tenant actions involving less than \$2,000 . . . . . [ \$50.50 ] \$52.00
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 . . . . . [ \$61.50 ] \$63.50
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000 . . . . . [ \$83.50 ] \$86.50
- (8) Order of execution. . . . . [ \$25.50 ] \$26.00
- (9) Objection to levy . . . . . \$11.50
- (10) Reinstatement of complaint. . . . . \$6.00
- (11) Entering Transcript on Appeal or Certiorari . . . . . \$3.00

(b) *Criminal cases.*—In calendar year [1997] 1998, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases . . . . . [ \$32.00 ] \$33.00
- (2) Summary conviction, motor vehicle cases, other than paragraph (3). . . [ \$25.50 ] \$26.00
- (3) Summary conviction, motor vehicle cases, hearing demanded. . . . . [ \$30.50 ] \$31.00
- (4) Misdemeanor . . . . . [ \$36.50 ] \$37.50
- (5) Felony. . . . . [ \$42.00 ] \$43.50
- (c) *Unclassified costs or charges.*—In calendar year

[1997] 1998, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- 1) Entering transcript of judgment from another member of the minor judiciary . . . . . \$6.00
- 2) Marrying each couple, making record thereof, and certificate to the parties . . . . . [ \$28.00 ] \$29.00
- 3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) . . . . . \$11.50
- 4) Issuing a search warrant (except as provided in subsection (d)). . . . . \$11.50
- 5) Any other issuance not otherwise provided in this subsection. . . . . \$11.50

#### § 29.403. Fines under 42 Pa.C.S. § 3571.

- (2) Amounts payable to the Commonwealth:
  - (i) Summary conviction, except motor vehicle cases . . . . . [ \$11.24 ] \$11.58
  - (ii) Summary conviction, motor vehicle cases other than subparagraph
  - (iii) . . . . . [ \$11.24 ] \$11.58

(iii) Summary conviction, motor vehicle cases, hearing demanded.....	[ \$11.24 ]	\$11.58
(iv) Misdemeanor.....	[ \$14.60 ]	\$15.00
(v) Felony.....	[ \$22.40 ]	\$23.20
(vi) Assumpsit or trespass involving:		
(A) \$500 or less.....	[ \$13.96 ]	\$14.58
(B) More than \$500 but not more than \$2,000.....	[ \$22.50 ]	\$23.00
(C) More than \$2,000 but not more than \$4,000.....	[ \$33.60 ]	\$34.50
(D) More than \$4,000 but not more than \$8,000.....	[ \$55.66 ]	\$57.67
(vii) Landlord-tenant proceeding involving:		
(A) \$2,000 or less.....	[ \$22.44 ]	\$23.12
(B) More than \$2,000 but not more than \$4,000.....	[ \$27.96 ]	\$28.87
(C) More than \$4,000 but not more than \$8,000.....	[ \$38.97 ]	\$40.37
(viii) Objection to levy.....		\$5.75
(ix) Order of execution.....	[ \$17.00 ]	\$17.33
(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)....		\$8.05

**§ 29.404. Fee schedule under 15 Pa.C.S. § 153.**

(a) *General rule.*—The fees of the Corporation Bureau of the Department of State, including fees for the public acts and transactions of the Secretary of the Commonwealth administered through the bureau, and of county filing officers under Title 13 (relating to commercial code), shall be as follows:

(8) Uniform Commercial Code:		
(i) Financing statement—per debtor name:		
(A) Fee charged by Dept. of State.....		\$12.00
(B) Fee charged by County.....	[ \$53.50 ]	\$55.50
Amount payable to Commonwealth .	[ \$40.10 ]	\$41.60
Amount payable to county.....	[ \$13.40 ]	\$13.90
(ii) Each ancillary transaction:		
(A) Fee charged by Dept. of State.....		\$12.00
(B) Fee charged by County.....	[ \$53.50 ]	\$55.50
Amount payable to Commonwealth .	[ \$40.10 ]	\$41.60
Amount payable to county.....	[ \$13.40 ]	\$13.90
(iii) Search—per debtor name:		
(A) Fee charged by Dept. of State.....		\$12.00
(B) Fee charged by County.....	[ \$53.50 ]	\$55.50
Amount payable to Commonwealth .	[ \$40.10 ]	\$41.60
Amount payable to county.....	[ \$13.40 ]	\$13.90
(iv) Additional fee for each financing statement found and for each statement of assignment reported therein:		
(A) Fee charged by Dept. of State.....		\$1.00
(B) Fee charged by County.....	[ \$4.50 ]	\$5.00
Amount payable to Commonwealth .	[ \$3.35 ]	\$3.75
Amount payable to county.....	[ \$1.15 ]	\$1.25

(v) For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, in addition to the fee provided above, there shall be charged a per filing fee of:

(A) Fee charged by Dept. of State.....		\$28.00
(B) Fee charged by County.....	[ \$125.00 ]	\$129.00
Amount payable to Commonwealth .	[ \$93.75 ]	\$96.75
Amount payable to county.....	[ \$31.25 ]	\$32.25

[Pa.B. Doc. No. 97-900. Filed for public inspection June 6, 1997, 9:00 a.m.]

**PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

**[204 PA. CODE CH. 211]**

**Promulgation of Consumer Price Index under Act 167 of 1992; No. 184; Doc. No. 1**

**Order**

*Per Curiam:*

And now, this 19th day of May, 1997, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for the immediately preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S. § 153(a)(8)(vii), 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**Part VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

**CHAPTER 211. CONSUMER PRICE INDEX**

**§ 211.1. Consumer Price Index.**

(a) Pursuant to Article V, Section 10 of the Pennsylvania Constitution and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for the immediate preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S. § 153(a)(8)(vii), 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. \_\_\_\_ Judicial Administrative Docket No. \_\_\_\_.

(b) The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U. S. City Average, for calendar year 1996, was 3.3 percent. (*See*, U. S. Department of Labor, Bureau of Labor Statistics, Series CUUR0000SAO, February 19, 1997.)

[Pa.B. Doc. No. 97-901. Filed for public inspection June 6, 1997, 9:00 a.m.]

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

**Rescission of existing Phila. Civ.R.Nos. 320, 325, 330, 206.1(F)(2)(b), and 7109 and Adoption of Phila. Civ.R.Nos. 320 and 7109; General Court Regulation No. 97-01**

### Order

*And Now*, this 23rd day of May, 1997, the Board of Judges of Philadelphia County having voted, at the Board of Judges' Meeting held May 21, 1997, to rescind existing Phila.Civ.R. No. 320, 325, 330, 206.1 (F)(2)(b) and 7109 and to adopt Phila.Civ.R.No. 320 and 7109, which follow. *It Is Hereby Ordered and Decreed* that the above referenced rules are rescinded and the following rules are adopted.

This General Court Regulation is issued in accordance with Phila. Civ.R.No. ★51 and Pa.R.C.P. 239 and shall become effective on July 1, 1997. As required by Pa.R.C.P. No. 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library, and the law library for the First Judicial District.

ALEX BONAVITACOLA,  
*President Judge*

### **Phila. Civ. R. No. 320. Appeals from State and Local Agencies.**

(A) *Applicability.* The Prothonotary shall maintain a special docket for appeals from the determinations of state and local agencies ("statutory appeals"). Statutory appeals (and matters ancillary thereto) shall be presented to and determined by the Supervising Judge of Appeals ("Supervising Judge").

(B) *Manner of Taking Appeal.* An appeal may be commenced by filing a Notice of Appeal with the Prothonotary.<sup>1</sup> The Notice of Appeal shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY CIVIL DIVISION—SPECIAL  
DOCKET PROGRAM

Appeal of [ name ] from a decision  
of [ name of agency ] No. 96 \_\_\_\_ SD \_\_\_\_

### NOTICE OF APPEAL

[ Name ] hereby appeals from the decision of [ name of agency ], dated \_\_\_\_\_ 19 \_\_, a copy of which is attached hereto. The following persons entered an appear-

<sup>1</sup>Statutes authorizing appeals from state agencies (and some local agencies) often require the appeal to be commenced by "petition." See, e.g., 47 P.S. § 4-464 (appeals involving the Liquor Control Board). Statutory requirements of this sort usually predate the constitutional remodeling of 1968 but, in any event, may be ignored. See, e.g., Appeal of Borough of Churchill, 575 A. 2d 550, 554 (Pa. 1990) (legislative bodies may not dictate civil procedure to Pennsylvania Courts). See also *Albrechta v. Borough of Shickshinny*, 565 A.2d 198, 201 (Pa. Commw. 1989) (improper appeal process may be transformed into valid process), appeal denied, 577 A.2d 891 (Pa. 1990).

ance in the proceedings below: [ if "none", say so. Otherwise, list the name and address of each person using an extra page, if necessary ].

Dated: \_\_\_\_\_  
[ Appellant or Attorney ]

(C) *Procedure on Appeal.* The Supervising Judge shall publish a standing case management order for each agency whose determinations are appealed on a regular basis ("agency-specific orders"). For agencies whose determinations are seldom appealed, the Supervising Judge shall publish a standing order of a generic nature. The Prothonotary shall provide appellant(s) with an agency-specific (or generic) standing order whenever a notice of appeal is filed.

Every appeal (and matter ancillary thereto) shall be governed by the aforesaid standing order and any supplemental order, which may be issued by the Supervising Judge.

(D) *Manner of Service.* The persons to be served, and the manner of making service, shall be specified in the standing order.

(E) *Parties.*

(a) The following persons shall be deemed parties opposed to the appeal unless they opt out by filing a praecipe with the Prothonotary within 60 days of service of the Notice of Appeal:

(1) the person(s) who initiated the proceedings before the agency below;

(2) the City of Philadelphia, but only in appeals involving local agencies;

(3) the School District of Philadelphia, but only in appeals involving school taxes; and

(4) the Commonwealth of Pennsylvania, but only in appeals involving state agencies.

(b) Others may obtain party status by intervening in accordance with the procedures set forth in the standing order.

### **Phila. Civ. R. No. 7109. Mental Health Review Officer.**

(a) *Appointment.* The President Judge may, from time to time, appoint such Mental Health Review Officers as may be needed to effectuate the purposes of the Mental Health Procedures Act of 1976, as amended.

(b) *Qualification of Mental Health Review Officer.* The Mental Health Review Officer shall be a member in good standing of the Bar of the Supreme Court of Pennsylvania and possess such other knowledge, expertise and experience as may be required by the President Judge.

(c) *Venue.* The Philadelphia Court of Common Pleas, or the Mental Health Review Officer appointed pursuant to this rule, shall exercise jurisdiction in proceedings pursuant to the Mental Health Procedures Act of 1976, as amended, only in the following situations:

(1) when the subject of the proceedings is or resides in Philadelphia County; or

(2) when the subject of the proceedings has been subjected to involuntary treatment by another county and that county has determined that Philadelphia County is the county of the person's usual residence, and has transferred the case to Philadelphia County for further proceedings. In that case, the Philadelphia Court of Common Pleas, or Mental Health Review Officer ap-

pointed pursuant to this rule, may conduct legal proceedings at such locations as may be directed by the Court, including the facility where the person is in treatment, even if the facility is not located in Philadelphia County.

(d) *Form of Applications, Petitions and Certifications.* All Applications, Petitions and Certifications filed pursuant to the Mental Health Procedures Act shall be on forms approved by the Department of Public Welfare.

(e) *Application for Extended Involuntary Treatment Pursuant to Section 303 of the Act.*

(1) *Applicant/Petitioner.* The County Mental Health Administrator, or the Director of the Facility in which the mentally ill person resides.

(2) *Contents of Application/Petition.*

(A) grounds on which extended emergency medical treatment is believed to be necessary;

(B) the name of any examining physician and substance of his/her opinion regarding the mental condition of the person; and

(C) any other appropriate information.

(3) *Filing and Service of Petition.* The Petition must be filed with the Prothonotary within 120 hours of commencement of involuntary emergency treatment rendered pursuant to Section 302, and served on the person by the Petitioner as soon as practicable.

(4) *Scheduling of Conference.* An informal conference shall be scheduled and held within 24 hours after the application is filed, and concluded within 120 hours of the commencement of involuntary emergency treatment rendered pursuant to Section 302.

(5) *Conference.* At the informal conference, the person shall be informed of the nature of the proceedings, and the following information shall be considered by the Mental Health Review Officer:

(A) Information relevant to whether the person is severely mentally disabled and in need of treatment, including the reasons that continued involuntary treatment is considered necessary;

(B) Testimony from a physician who examined the person explaining in terms understandable to a layperson whether the person is severely mentally disabled and in need of treatment;

(C) Information contained in, and appended to, the Application for Involuntary Emergency Examination and Treatment under Section 302; and

(D) Any other information relevant to the issue of whether the person is severely mentally disabled and in need of treatment, even if such information is normally excludable under the rules of evidence, provided the information is found to be reliable.

(6) *Decision.* At the conclusion of the conference, the Mental Health Review Officer shall either:

(A) Certify that the person is severely mentally disabled and in need of continued involuntary treatment. The certification shall be filed with the Prothonotary and served on the parties as required by Section 303(e) of the Act; or

(B) Direct that the facility director or his designee discharge the person.

(7) *Duration of Court-Ordered Involuntary Treatment.* A period not to exceed twenty (20) days.

(f) *Petition for Court-Ordered Involuntary Treatment Pursuant to Section 304 of the Act.*

(1) *Persons Already Subject to Involuntary Treatment*

(A) *Petitioner.* The County Mental Health Administrator, or the Director of the Facility in which the mentally ill person resides.

(B) *Contents of Petition.*

(i) facts constituting reasonable grounds to believe that the person is severely mentally disabled and in need of treatment;

(ii) name of the examining physician and substance of the physician's opinion regarding mental condition of the person;

(iii) allegation that the person has been provided with the information required by Section 304(b)(3); and

(iv) any other relevant information.

(C) *Filing and Service of the Petition.* The Petition must be filed with the Prothonotary and served as required by Section 304(b)(3).

(D) *Scheduling of Hearing.* A hearing must be scheduled for a date not more than five (5) days after the filing of the Petition.

(E) *Continuation of Treatment Pending Hearing.* Treatment shall continue pending determination of Petition.

(F) *Hearing.* The following information shall be considered by the Mental Health Review Officer:

(i) Evidence reestablishing that the conduct originally required by Section 301 in fact occurred and that the person's condition continues to evidence a clear and present danger to himself/herself or others. It is not necessary to show the recurrence of dangerous conduct within the past 30 days;

(ii) Information relevant to whether the person is severely mentally disabled and in need of treatment, including the reasons that continued involuntary treatment is considered necessary;

(iii) Information contained in, or appended to, the Application for Involuntary Emergency Examination and Treatment under Section 302 or 303;

(iv) Testimony by a physician who examined the person;

(v) Any other relevant information, even if normally excludable under the rules of evidence, provided the information is found to be reliable.

(G) *Decision.* The Mental Health Review Officer shall render a decision within 48 hours after the close of evidence, and shall either:

(i) find that the person is severely mentally disabled and in need of continued involuntary inpatient or outpatient treatment and issue an appropriate order as set forth in Section 304(f) of the Act; or

(ii) deny the Petition and direct that the facility director or his designee discharge the person.

(2) *Persons Not Already Subject to Involuntary Treatment*

(A) *Petitioner.* Any responsible party.

(B) *Contents of Petition.*

(i) facts constituting reasonable grounds to believe that the person is severely mentally disabled and in need of treatment;

(ii) name of the examining physician and substance of the physician's opinion regarding mental condition of the person; and

(iii) any other appropriate information.

(C) *Filing of Petition.* The Petition must be filed with the Prothonotary.

(D) *Scheduling of Hearing and Service of Petition.* Upon being satisfied that the Petition sets forth reasonable cause to believe that the person is within the criteria for court-ordered treatment as set forth in Section 304(a), the Court shall schedule a hearing, which may be conducted by a Mental Health Review Officer, and issue a summons or warrant to ensure the person's attendance at the hearing. The hearing shall be scheduled as soon as practicable, and the person must be served with a copy of the Petition and required notices at least three (3) days before the scheduled hearing.

(E) *Administration of Treatment Pending Hearing.* No treatment shall be authorized during the pendency of the Petition except in accordance with Sections 302 or 303 of the Act.

(F) *Hearing.* The following information shall be considered by the Court or Mental Health Review Officer:

(i) Information relevant to whether the person is severely mentally disabled and in need of treatment, including the reasons that involuntary treatment is considered necessary;

(ii) Testimony from a physician who examined the person explaining in terms understandable to a layperson whether the person is severely mentally disabled and in need of treatment; and

(iii) Any other information relevant to the issue of whether the person is severely mentally disabled and in need of treatment, even if such information is normally excludable under the rules of evidence, provided the information is found to be reliable.

(G) *Decision.* The Mental Health Review Officer, or Court, shall render a decision within 48 hours after the close of evidence, and shall either:

(i) find that the person is severely mentally disabled and in need of involuntary inpatient or outpatient treatment and issue an appropriate order as set forth in Section 304(f) of the Act; or

(ii) deny the Petition.

(3) *Duration of Court-Ordered Involuntary Treatment.*

(A) A period not to exceed ninety days under Section 304(g)(1) of the Act; or

(B) A period not to exceed one year under Section 304(g)(2) of the Act, subject to the provisions of Section 304(g)(4) as to termination or continuance of involuntary treatment.

(g) *Application for Additional Periods of Court-Ordered Involuntary Treatment Pursuant to Section 305 of the Act.*

(1) *Applicant.* The County Mental Health Administrator, or the Director of the Facility in which the mentally ill person resides.

(2) *Contents of Petition.*

(A) facts constituting reasonable grounds to believe that the person is severely mentally disabled and in need of treatment;

(B) name of the examining physician and substance of the physician's opinion regarding mental condition of the person;

(C) allegation that the person has been provided with the information required by Section 304(b)(3); and

(D) any other appropriate information.

(3) *Filing and Service of Petition.* The Petition must be filed with the Prothonotary and served as required by Section 304(b)(3).

(4) *Scheduling of Hearing.* A hearing must be scheduled and held no more than five (5) days after the filing of the Petition.

(5) *Continuation of Treatment Pending Hearing.* Treatment shall continue pending determination of the Petition.

(6) *Hearing.* The following information shall be considered by the Mental Health Review Officer:

(A) Information contained in, or appended to, the Application for Involuntary Emergency Examination and Treatment under Section 302, 303 or 304;

(B) Testimony by a physician who examined the person;

(C) Information relevant to the reasons that continued involuntary treatment is considered necessary, as shown by conduct during the person's most recent period of court-ordered treatment; and

(D) Any other relevant information, even if normally excludable under the rules of evidence, provided the information is found to be reliable.

(7) *Decision.* The Mental Health Review Officer shall render a decision within 48 hours after the close of evidence, and shall either:

(A) find that the person is severely mentally disabled and in need of continued involuntary inpatient or outpatient treatment, as shown by conduct during the person's most recent period of court-ordered treatment; and issue an appropriate order as set forth in Section 305 of the Act; or

(B) deny the Petition and direct that the facility director or his designee discharge the person.

(8) *Duration of Court-Ordered Involuntary Treatment.*

(A) A period not to exceed one-hundred eighty (180) days; or

(B) A period not to exceed one year if the person meets the criteria of Section 304(g)(2) of the Act.

(h) *Transfer of Persons in Involuntary Treatment.*

(1) Except as provided hereunder, any person in involuntary treatment may be transferred to any approved facility.

(2) *Exceptions:*

(A) persons committed pursuant to Section 304(g)(2) of the Act may not be transferred, in the absence of an emergency, unless written notice is given to the committing Judge or Mental Health Review Officer, and district attorney in the committing county and neither has objected to the transfer within twenty (20) days of receipt of said notice. In the event an objection is received, the Mental Health Review Officer shall hold a hearing within twenty days to review the commitment transfer and shall render a decision within 48 hours of the close of evidence; and

(B) transfers which constitute a greater restraint cannot be accomplished unless the Mental Health Review Officer holds a hearing and finds the transfer to be necessary and appropriate.

(i) *Review of Mental Health Review Officer Certifications or Decisions.*

(1) *Judicial Review and Assignment.* Certifications of the Mental Health Review Officers, pursuant to Section 303 of the Act, and decisions of the Mental Health Review Officers pursuant to Sections 304, 305 and 306 of the Act are subject to Judicial review through the filing, by any party, of a Petition for Review with the Prothonotary of the Court of Common Pleas. Said Petitions shall be assigned to such Court of Common Pleas Judges ("Review Judge"), assigned to any Division of the Court, as may be determined by the President Judge from time to time.

(2) *Scheduling of Hearing and Service.* A hearing must be scheduled and held within 72 hours after the Petition is filed unless a continuance is requested by the person's counsel. The party filing the Petition for Review must forthwith serve a copy of the Petition and Notice of Hearing on the Mental Health Review Officer and all other interested parties. Service may be effectuated by hand-delivery or via facsimile.

(3) *Preparation of Record for the Court.* The Mental Health Review Officer shall cause the transcription of the underlying proceedings for presentation to the Review Judge no later than the hearing date, and shall ensure that the evidence relied upon by the Mental Health Review Officer is available to the Review Judge.

(4) *Hearing.* The Review Judge shall review the certification of the Mental Health Review Officer and shall consider such other evidence as the Review Judge may receive or require.

(5) *Decision.* The Review Judge shall render a decision as soon as practicable, and, unless all parties agree to a remand to the Mental Health Review Officer, shall either:

(A) determine that the person is in need of involuntary treatment and that the procedures prescribed by the Mental Health Procedures Act have been followed; or

(B) determine that the procedures prescribed by the Mental Health Procedures Act have not been followed, or that the person is not in need of involuntary treatment, and, if appropriate, shall direct that the facility director or his designee discharge the person. The decision of the Review Judge as set forth above is subject to appellate review as provided by rules of court.

(j) *Record of Proceedings.* A record of the proceedings (which need not be in a stenographic format) held pursuant to the Mental Health Procedures Act shall be made, impounded by the Court as provided in the Act, and kept by the Prothonotary for at least one year.

(k) *Appointment of Counsel.* The Public Defender is appointed to represent all persons who may be subject to involuntary medical examination and treatment, unless it appears that any such person can afford, and desires to have, private representation. In the event a conflict prevents the Public Defender from representing any eligible person, conflict counsel shall be appointed as directed by the President Judge.

**Explanatory Note.** The Mental Health Procedures Act, as enacted on July 9, 1976, authorized the local

courts to decide whether a judge of the Court of Common Pleas or a "Mental Health Review Officer" would conduct legal proceedings under the Act. Section 109 specifically provided that a Mental Health Review Officer could, if authorized by the Court, conduct proceedings under Section 303(c), which dealt with extended involuntary emergency treatment, and under Section 304, which dealt with court-ordered involuntary treatment. However, the Act did not specifically address the issue of whether the Mental Health Review Officer could issue orders for treatment or whether such orders were deemed to be final orders which were subject to appellate review.

In the case of *In re Chambers*, 282 Pa. Super. 327, 422 A.2d 1140 (1980), the Superior Court addressed the difference between "certifications" issued pursuant to Section 303 and "orders" issued pursuant to Section 304. The Superior Court found that Section 303 specifically authorized the Mental Health Review Officer to certify, without judicial approval, a person for extended involuntary emergency treatment for a period not to exceed 20 days, noting that under Section 303 the person made subject to such involuntary emergency treatment had the right to petition the Court of Common Pleas for review of the certification. However, the Superior Court found that the procedure for Section 304 proceedings was different, in that Section 304 required the entry of an "order" involuntarily committing a person, and since the Mental Health Review Officer is not a judge, the Mental Health Review Officer cannot enter a "final order" which is appealable to the Superior Court. Thus, the Superior Court concluded that a commitment "order" issued pursuant to Section 304 by a Mental Health Review Officer on August 28, 1978 was not a "final order" and accordingly, not ripe for appellate review, and remanded to the Court of Common Pleas with directions to enter a final appealable order. See also *In re Bishop*, 282 Pa. Super. 67, 422 A.2d 831 (1980).

The Mental Health Procedures Act was amended by Act of November 26, 1978, P. L. No. 1362, No. 324, effective in 60 days. This amendment, inter alia, expanded the scope of the Mental Health Review Officer's authority by authorizing the Mental Health Review Officer to conduct hearings concerning extended involuntary emergency treatment under Section 303(c), court-ordered involuntary treatment under Sections 304 and 305, or transfer hearings under Section 306. More importantly, a new section was added, Section 109(b), which specifically provides, as did Section 303(g), that persons made subject to treatment by Mental Health Review Officers have a right to petition the Court of Common Pleas for review of such ordered treatment. Thus, under the 1978 amendments, providing that the Court of Common Pleas authorizes Mental Health Review Officers to conduct proceedings under Sections 303(c), 304, 305 and 306, they may require involuntary treatment, further provided that the persons subject to such treatment may file a petition for review with the Court of Common Pleas which will enter a final appealable order. The instant Rule constitutes authorization to Mental Health Review Officers to conduct proceedings under the Mental Health Procedures Act, as amended, and sets forth the procedure to be followed so as to clarify the rights of the persons affected.

[Pa.B. Doc. No. 97-902. Filed for public inspection June 6, 1997, 9:00 a.m.]



# Title 255—LOCAL COURT RULES

## JEFFERSON COUNTY

### Revision and Restatement of the Local Rules of Procedure for Civil Actions; No. 12-1997

#### Order of Court

*And Now*, May 20, 1997, the following revision and restatement of the Local Rules of Civil Procedure of Jefferson County, Pennsylvania, Rules L1301 through L1311 and Rule L1920.51, are hereby promulgated and adopted for use effective July 1, 1997.

The previously adopted local rules on the subjects covered by the following rules are hereby rescinded, effective July 1, 1997.

*By the Court,*

WILLIAM L. HENRY,  
*President Judge*

#### ARBITRATION

(Rules L1301-L1311 Revised 5/15/97)

#### Rule L1301. Compulsory Arbitration.

##### BY THE PROTHONOTARY

1.(a) All cases wherein the amount in controversy (exclusive of interests and costs) shall be Twenty-Five Thousand (\$25,000.00) Dollars or less, including all appeals from a civil judgment of a District Justice, except those involving title to real estate or actions in equity, shall be submitted to and be heard and decided by a Board of Arbitrators consisting of three (3) members of the Bar of Jefferson County to be selected as hereinafter provided.

(b) Either party in such civil suit or action, his agent or attorney, may place a case on the list of cases for trial by arbitration by filing a Certificate of Readiness in the form provided by local rule L308(b), which form is available at the prothonotary's office.

(c) Any such case which has been placed upon the Prothonotary's Trial List shall be removed from such list by the prothonotary and placed on the Arbitration List.

##### BY THE PARTIES

2. Cases, whether or not at issue and whether or not suit has been filed, may be placed on the Arbitration List by agreement of reference signed by counsel for both sides in the case. Said agreement of reference shall define the issues involved for determination by the board and, when agreeable, shall also contain stipulations with respect to facts submitted or agreed or defenses waived. In such cases, the agreement of reference shall take the place of pleadings in the case and be filed of record.

##### BY THE COURT

3. The Court on its own motion, or on motion of either party may, by deposition, pre-trial conference, hearing or otherwise, determine that the amount actually in controversy does not exceed Twenty-Five Thousand (\$25,000.00) Dollars exclusive of interest and costs and enter an order of reference to a Board of Arbitration in conformity with Pa.R.C.P. 1021(d).

#### Rule L1302. Selection of Arbitrators Appointment of Board, Oath, and Compensation.

1. The Arbitration List herein referred to shall be kept and maintained by the prothonotary.

2.(a) The prothonotary shall keep Three (3) separate lists of attorneys qualified to serve as arbitrators in Jefferson County as follows:

Class A—Attorneys with over 15 years membership in the Jefferson County Bar Association

Class B—Attorneys with 7 to 15 years membership in the Jefferson County Bar Association

Class C—Attorneys with 1 to 7 years membership in the Jefferson County Bar Association

(b) Within ten (10) days after a case is placed on the Arbitration List, the prothonotary shall forthwith nominate five names as follows; two (2) names from the Class A List, two (2) names from the Class B List, and one (1) name from the Class C List. The prothonotary shall, if necessary, nominate an additional name for each additional party with an adverse interest in the case.

(c) The prothonotary shall thereupon notify counsel for said parties of said nominations. Each party shall thereupon appear at the office of the prothonotary within five (5) days and strike off one name from the listed nominated, and if any party fails to exercise his right to strike off a name within the time stated, the prothonotary shall strike off any excess names after the first three nominated. The remaining three shall comprise the Board of Arbitration and they shall be so appointed.

3. The prothonotary shall make the nominations of arbitrators from each list of the members of the Bar of Jefferson County, and such nominations shall be made from such lists as set forth above, except where a particular attorney is excused by the court on account of incapacity or illness. Not more than one (1) member of a firm or association of attorneys shall be appointed to the same board, nor shall any attorney be appointed who is associated with, or who maintains a common office, in whole or in part, with any counsel of record. The first member appointed shall be the chairman of the board. Immediately after appointment of the Board of Arbitrators the prothonotary shall notify them in writing of their appointment and shall notify counsel of record. In case any attorney is disqualified, or fails to act, the prothonotary, on praecipe of counsel, shall appoint the next attorney on the same class list to fill such vacancy. Any attorney disqualified or stricken off in a case shall be put at the head of the list of attorneys available for the next case.

4. The arbitrators shall be sworn or affirmed to justly and equitably try all matters submitted to them. The oath may be administered by any person authorized to administer oaths.

5.(a) Each member of a Board of Arbitrators, who has signed a report or files a minority report, shall receive as compensation for services a fee of Two Hundred (\$200.00) Dollars for cases involving three (3) hours or less, plus Fifty (\$50.00) Dollars for each hour over three (3) hours of hearing time. (Companion cases heard together count as one for purposes of this rule.)

(b) The chairman shall receive as compensation for the duties as chairman an additional sum of Fifty (\$50.00) Dollars, notwithstanding that a case be settled or discontinued after a time for hearing has been fixed, but before the hearing is held.

(c) In cases involving unusual complexity, the court, on petition of the members of the board and for cause shown, may allow additional compensation.

(d) Compensation shall be paid by the County of Jefferson upon a voucher, approved for payment by the prothonotary; provided, however, that in making payment of such compensation, the county shall pay to the treasurer of the Jefferson County Bar Association Fifteen (\$15.00) Dollars of the compensation otherwise due an arbitrator for services rendered in a particular case.

**Rule L1303. Hearing. Notice.**

1.(a) The chairman of the board of arbitrators shall within ten (10) days after the board has been appointed, set a date and time for the arbitrators' hearing and shall notify the parties, or their counsel, in writing, not less than thirty (30) days before the hearing, of the time and place of hearing. Hearings shall be held in the Jefferson County Courthouse, unless the parties by agreement shall designate another place and the arbitrators concur in such designation.

(b) The arbitrators, for cause shown, may continue a hearing to a definite date fixed by them.

(c) The Arbitration Court List will set forth all of those cases for which boards of arbitrators have been appointed but no hearings have yet been held. Cases listed on said Arbitration Court List shall be heard and disposed of within sixty (60) days from the date of appointment of the board, except by leave of court upon good cause shown.

**Rule L1304. Conduct of Hearing. Generally.**

1.(a) The arbitrators shall not be required to make a record of the proceedings before them. If any party shall, by writing filed with the chairman five (5) days before the hearing, request a record, the arbitrators shall provide a reporter and cause a record to be made. The party requesting the same shall pay the cost thereof and shall deposit with the arbitrators the sum of One Hundred (\$100.00) Dollars to secure payment. The arbitrators may at any time that they deem the circumstances demand it require an additional deposit. Any surplus shall be returned by the arbitrators to the party depositing it. The deposit shall not be considered costs in the case.

(b) When a panel of arbitrators shall be assembled, they shall be sworn or affirmed to justly and equitably try all matters properly at issue and submitted to them by any person having authority to administer oaths, or in the absence of such person by one of their number.

(c) The Board of Arbitration, or a majority of the members thereof, shall conduct the hearing before them with due regard to the law and according to the established rules of evidence and they shall have the general powers of a Court, including, but not limited to the following powers:

(1) To issue subpoenas to witnesses to appear before the Board and to secure an attachment according to the practice of the Courts for failure to comply therewith;

(2) To compel the production of all books, papers and documents which they shall deem material to the case;

(3) To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to them.

**Rule L1305. Bills and Reports as Evidence in Arbitration Hearings.**

1. In actions before arbitrators involving personal injury, the following bills and reports may be offered and received in evidence, without further proof, for the purpose of proving the value and reasonableness of the charges for services, labor and materials, items contained therein, or opinions contained therein, and where applicable, the necessity for furnishing the same, on condition that thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties, or their attorneys, accompanied by a copy of the bills or reports to be offered in evidence, unless counsel for the adverse party shall notify counsel of the claimant in writing no later than two (2) weeks prior to the day set for hearing that the value and reasonableness of the charges are disputed or the opinions given in any reports are disputed:

(a) Hospital bills on the official letterhead or billhead of the hospital when dated and itemized;

(b) Bills of doctors and dentists, when dated and containing a statement showing the date of each visit and the charge therefor, and accompanied by a statement of the correctness and reasonableness of the charges, and that the service rendered was, in his opinion, necessary and casually connected with the incident involved.

(c) Medical and psychological reports documenting the treatment and prognosis of a patient as well as any opinions as to the condition of a patient.

(d) Bills of registered nurses, licensed practical nurses or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges therefor, and accompanied by a statement of the nurse or physical therapist of the correctness and reasonableness of the charges and that the services rendered were in his or her opinion necessary.

(e) Bills for medicine, eye glasses, prosthetic devices or similar items, when accompanied by a letter from the supplier stating that the charge is correct, reasonable, and represents the market value of the item or items referred to therein.

(f) In actions involving damage to property, repair bills and estimates, when identified and itemized setting forth the charges for labor and material may be offered and received in evidence without further proof, for the purpose of proving the value and reasonableness of the charges, on condition that thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties or their attorney.

2. The President Judge shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in application of these rules.

3. Witness fees in any case referred to said Board of Arbitration shall be in the same amount as now or hereafter provided for witnesses in trials in the Court of Common Pleas of Jefferson County and the costs in any cases shall be paid by the same party or parties by whom they would have been paid had the case been tried in the Court of Common Pleas of Jefferson County.

**Rule L1306. Report and Award.**

1. The board of arbitrators shall make its report and render its award promptly upon conclusion of the hearing unless a question of law arises which requires briefing in which case an extra 45 days can be taken. The report shall state where the hearing was held, what counsel

were present, the names of witnesses heard, shall contain an award, either for the plaintiff or for the defendant, in a form similar to the verdict of a jury, shall be signed by the board of arbitrators, or majority of them, and shall be transmitted to the prothonotary. The decision of the majority shall be the decision of the board of arbitrators.

**Rule L1307. Docketing and Notice of Report and Award.**

1. The prothonotary shall mail or otherwise forward copies thereof to all parties or their counsel. The Prothonotary shall make a note of the report and award on the docket and file the original report with the papers of the case.

2. The report and award, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a verdict. If no appeal is taken within the time allotted therefore, the successful party or his counsel may enter judgment on the award upon praecipe after which execution process may be issued such judgment as in the case of other judgments.

**Rule L1308. Appeals.**

1. Any party may appeal from the award of the Board of Arbitration to the Court of Common Pleas of Jefferson County. The right to appeal shall be subject to the following conditions, all of which shall be complied with within thirty (30) days after the award to the Board if filed with the prothonotary:

The appellant shall pay all record costs accrued to the time of taking the appeal, including the arbitrator's fees and shall file with the prothonotary a notice of appeal, and serve a copy thereof upon the adverse party or his counsel; the appellant also shall file an affidavit that the appeal is not taken for delay, but because he believes an injustice has been done.

**Rule L1311. Procedure After Appeal.**

1. All appeals shall be de novo.

2. In the event of an appeal from the award or decision of the Board of Arbitrators, the Arbitrators shall not be called as witnesses as to what took place before them in their official capacity as Arbitrators upon any hearing de novo.

**Rule L1920.51. (Revised 5/15/97)**

**APPOINTMENT OF FAMILY LAW MASTER IN DIVORCE AND ANNULMENT OF MARRIAGE AND ANCILLARY PROCEEDINGS**

(a) In all divorce and annulment of marriage proceedings where a responsive pleading has been filed raising an issue which Pa.R.C.P. 1920.51 authorizes to be heard by a master, the prothonotary shall forthwith refer the case to the Jefferson County Family Law Master. Within thirty (30) days thereafter, the master shall schedule a preliminary conference with the parties and their counsel

to explore the possibility of resolving the issues in dispute without further litigation. As to those issues that cannot be resolved at preliminary conference, the master shall establish a timetable for the progress of the litigation and shall proceed to promptly hold such hearings as are necessary to determine the unresolved issues. Upon concluding a hearing on a particular issue or issues, the master shall report to the Court as provided in Pa.R.C.P. 1920.53.

(b) Before setting the time and place of taking testimony, the master shall examine the pleadings and determine the formal sufficiency and regularity of the proceedings and the question of jurisdiction. If defective in any fatal particular, he shall so report to the Court and at the same time notify counsel. If defective in a particular curable by amendment, he shall notify counsel and suspend further action for a reasonable period of time to enable the necessary correction to be made. Upon the expiration of said period without such correction having been made, he shall make a report to the Court, applying for instructions as to further action on his part. When satisfied of the formal sufficiency and regularity of the proceedings and the existence of jurisdiction, or when directed by the Court to proceed, he shall appoint the time and place of taking testimony and proceed with action.

(c) Before proceeding to take testimony with respect to a contested claim for divorce and/or a question of distribution of marital property, the master shall verify that the fees specified in subsection (d) of this Rule have been paid into the Court, unless the master determines that the payment of said fees is not necessary before holding the hearing.

(d) Except as provided in subsection (c), whenever a party in a divorce case requests that an evidentiary hearing be held to hear a claim for divorce and/or distribution of marital property, said moving party shall deposit the sum of \$1000.00 with the prothonotary to be applied to payment of the master's fees and stenographic costs. Said deposit shall be applied first to the stenographic costs and thereafter to the master's fees at the rate to be established annually by the Court.

(e) In all cases in which the master shall be of the opinion that the amount of money on deposit for the master's fees and stenographic costs is not sufficient, the master shall make a request in writing to the Court for the allowance of additional compensation and/or stenographic costs. Upon the presentation of such request, the Court will issue a rule upon the parties to show cause why the requested additional allowance should not be granted.

[Pa.B. Doc. No. 97-903. Filed for public inspection June 6, 1997, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[58 PA. CODE CHS. 141 AND 147]

#### Training Dogs; Falconry Permits; Sale of Protected Wildlife and Its Parts; and Dog Trial Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 15, 1997, meeting adopted the following changes:

Amend § 141.16 (relating to training dogs on furbearers) by removing current language.

Amend § 147.103 (relating to classes of permits) by permitting the upgrading of an apprentice or general falconer during the permit year.

Amend § 147.141 (relating to the sale of wildlife and wildlife parts) by providing a new fee structure.

Amend Chapter 147, Subchapter L (relating to permits relating to dogs), by adding § 147.223 (relating to permits for dog trials on privately-owned lands) outlining the procedure to apply for dog trial permits to be held on privately-owned lands.

These amendments are hereby adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

#### *Deletion of § 141.16*

##### 1. *Introduction*

Under the act of December 19, 1966 (P. L. 442, No. 184) (Act 184), section 2382 of the code (relating to training dogs on small game) was amended to allow dog training any time of the calendar year. Although the amendment provides for the Commission to provide otherwise by regulation, the Commission is currently assessing whether to apply restrictions. Until a decision is made, the Commission, at its January 14, 1997, meeting proposed, and at its April 15, 1997, meeting finally adopted, deleting § 141.16. The section is deleted under the authority contained in section 322 of the code (relating to specific powers and duties) to fix seasons and section 2102 of the code (relating to regulations) which authorizes the promulgation of regulations.

##### 2. *Purpose and Authority*

The code has been changed to allow the training of dogs throughout the year. The Commission is authorized to establish a closed season and it is considering doing so. If the Commission does establish a closed season, it will do so on a comprehensive basis, which means § 141.16 would be deleted in any case. Pending a decision on the impact of year-round dog training, the Commission is removing the restriction with regard to training dogs on furbearers contained in § 141.16.

Section 322(c) of the code authorizes the Commission to fix seasons. Section 2102 of the code authorizes the Commission to promulgate regulations relating to the preservation and management of game and wildlife and seasons. The deletion is made under this authority.

##### 3. *Regulatory Requirements*

The deletion will eliminate a restriction.

##### 4. *Persons Affected*

Individuals wishing to train dogs on furbearers will be affected.

##### 5. *Comment and Response Summary*

No comments were received on the deletion.

##### 6. *Cost and Paperwork*

No additional paperwork will be required.

#### *Amendment to § 147.103*

##### 1. *Introduction*

To better provide for the administration of falconry permits, the Commission at its January 14, 1997, meeting proposed, and at its April 15, 1997, meeting finally adopted, removing language from § 147.103 relating to classes of permits, which requires movement to the next higher classification upon renewal of the permit. This change is made under section 2925(a) of the code (relating to falconry permits).

##### 2. *Purpose and Authority*

Currently, falconers who qualify for the next higher classification must wait until the next permit renewal to be upgraded. This often creates backlogs in the renewal process. The change to § 147.103 allows the upgrading of a permit as soon as a falconer qualifies for the next higher classification.

Section 2925(a) of the code provides that: "The Commission may adopt regulations consistent with Federal fish and wildlife laws and regulations concerning the sport of falconry." The change, adopted under this authority, is consistent with Federal law.

##### 3. *Regulatory Requirements*

The change relaxes current requirements.

##### 4. *Persons Affected*

The change will affect those holding apprentice and general falconry permits.

##### 5. *Comment and Response Summary*

No comments were received on the changes.

##### 6. *Cost and Paperwork Requirements*

No additional paperwork will be required.

#### *Amendment to § 147.141*

##### 1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 14, 1997, meeting proposed, and at its April 15, 1997, meeting finally adopted, changes to § 147.141 relating to sale of wildlife and wildlife parts. The changes, which will involve permits to possess wildlife accidentally or illegally killed or orphaned or taken live from the wild, will change or establish fees for some species, provide for the sale of other species at public auction or through sealed bid and tighten qualifications for possession of live deer. Section 2901(b) of the code (relating to regulations for permits) authorizes the Commission to adopt these changes.

##### 2. *Purpose and Authority*

Occasionally wildlife will be accidentally or illegally killed, shot for crop damage or be illegally taken from the wild. Rather than have the wildlife wasted or destroyed,

the Commission will issue permits to individuals to possess wildlife or wildlife parts. A committee formed to study procedures and fees for using these permits has recommended some changes to § 147.141.

Minimum fees for a live deer, a deer hide, other small mammals and bear would be increased and the fee for a coyote would be reduced. A fee for the fisher would also be established. Any unlisted species could be sold through public auction or sealed bid. The changes also call for an individual to have an existing propagation or menagerie permit before he could receive a live deer from the Commission.

Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of any permit. In addition, section 2904(18) of the code (relating to permit fees) authorizes the Commission to set a reasonable fee for any permit which is not specifically set forth.

### 3. *Regulatory Requirements*

Fees will be increased for certain Commission possession permits. In addition, an individual wishing to receive a live deer will already need to be in possession of a valid propagation or menagerie permit.

### 4. *Persons Affected*

Individuals wishing to obtain a permit to possess wildlife from the Commission would be affected.

### 5. *Comment and Response Summary*

No comments were received on the changes.

### 6. *Cost and Paperwork Requirements*

There will be increased fees for individuals seeking permits under the changes. The number of these individuals would be small.

### *Addition to § 147.223*

#### 1. *Introduction*

To better provide for the issuance of permits for field dog trials, the Commission, at its January 14, 1997, meeting proposed, and at its April 15, 1997, meeting finally adopted, adding § 147.223 to provide procedures for the issuance of field dog trial permits. This additional section is adopted under the authority contained in section 2901(b) of the code

#### 2. *Purpose and Authority*

Sections 2943 and 2944 of the code (relating to field dog trials; and field dog trials for retrievers) both require the obtaining of a permit before holding dog trials or field dog trials for retrievers. Currently, many clubs and organizations sponsoring these dog trials wait until the last minute to apply for a permit and then expect overnight issuance. The requests can be very disruptive. The section requires a written application to be submitted at least 30 days prior to the dog trial date.

Section 2901(b) of the code authorizes the Commission to "... promulgate regulations for the issuance of any permit ..." This is the basis for the new section.

### 3. *Regulatory Requirements*

Individuals, clubs or organizations wishing to sponsor field dog trials or retriever field dog trials on privately-

owned lands would be required to submit a written application on Commission forms at least 30 days in advance of this trial date. Untimely applications are subject to disapproval.

### 4. *Persons Affected*

Individuals, clubs and organizations sponsoring field dog trials on privately-owned land would be affected by the new requirements.

### 5. *Comment and Response Summary*

No comments were received on the regulation.

### 6. *Cost and Paperwork Requirements*

It is anticipated that there would be little additional cost associated with the new requirement. A written application on a Commission form will need to be submitted.

### *Effective Date*

These changes are effective on publication of final adoption in the *Pennsylvania Bulletin* and remain in effect until changed by the Commission.

### *Contact Person*

For further information on the changes the contact person is James R. Fagan, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

### *Findings*

The Commission finds that:

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

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

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 147, are amended by deleting § 141.16, amending §§ 147.103 and 147.141 and by adding § 147.223 to read as set forth at 27 Pa.B. 1364 (March 15, 1997).

(b) The Executive Director of the Commission shall submit this order and 27 Pa.B. 1364 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-98 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 97-904. Filed for public inspection June 6, 1997, 9:00 a.m.]

# PROPOSED RULEMAKING

## BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

### [49 PA. CODE CH. 43b] Schedule of Civil Penalties

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to adopt Chapter 43b (relating to Commissioner of Professional and Occupational Affairs) to read as set forth in Annex A.

Section 5(a) of the act of June 2, 1993 (P. L. 345, No. 48) (act) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau, to adopt a schedule of civil penalties for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating a licensing board or Commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

Section 5(a) of the act further requires the Commissioner to publish in the *Pennsylvania Bulletin* the schedule of penalties, guidelines for imposition and procedures for appeal of the imposition of civil penalties. Accordingly, the Commissioner published a statement of policy pertaining to the schedule of civil penalties at 25 Pa.B. 4527 (October 21, 1995).

Section 5(a) of the act also requires the Commissioner, by October 21, 1997, to promulgate regulations finalizing a schedule of civil penalties, guidelines and procedures. The Commissioner intends to accomplish this mandate by promulgating the regulations in Annex A.

Prior to adopting the statement of policy, the Commissioner consulted with the applicable licensing boards, notified the various professional associations and invited comments and suggestions regarding its implementation. In addition, under the Governor's Executive Order 1996-1, the Commissioner notified the individuals and associations identified by the licensing boards and commissions of the Bureau's intent to promulgate proposed regulations and offered them the opportunity to comment on this proposal. The boards and commission considered these comments in developing the proposed schedules.

Since its implementation, civil penalty citations have been issued in approximately 373 cases. The sanctions imposed on these relatively minor violations were entered more quickly than it would have taken to resolve the same number of cases under regular disciplinary procedures.

Based upon the effectiveness of the implementation of the statement of policy, the Commissioner proposes these regulatory amendments finalizing the schedule of civil penalties, guidelines and procedures.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commissioner submitted a copy of these proposed regulations on May 23, 1997, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to

submitting the proposed regulations, the Commissioner has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commissioner in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

#### *Fiscal Impact*

Professional licensing statutes require each board and commission to be self-supporting. Revenues must be generated by fees paid by licensees and must meet or exceed budgeted expenditures.

A board's disciplinary duties consist of investigating complaints, inspecting licensed facilities and meting out appropriate sanctions. Although the boards are not supported by General Fund tax revenues, members of the regulated community are assessed a biennial renewal fee which finances a board's operations, including the disciplinary function.

Licensees are impacted individually when they are found guilty of violating a board's act or regulations and a fine is levied. Licensees who dispute charges brought against them, including those filed as civil penalty citations under the act, may request a hearing before a hearing examiner or appeal a decision to the appropriate board. The more resources and time expended by personnel of the Department to dispose of disciplinary cases, the greater the impact of the disciplinary function upon a board's operating costs.

#### *Paperwork Requirements*

The proposed regulations will not necessitate any legal, accounting, reporting or other paperwork requirements.

#### *Statutory Authority*

The regulations are proposed under the authority of section 5(a) of the act which gives the Commissioner the authority to adopt a schedule of civil penalties for: (1) operating without a current and valid license, registration, certification or permit; and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

#### *Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Commissioner Dorothy Childress, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following the publication of the proposed regulations in the *Pennsylvania Bulletin*.

DOROTHY CHILDRESS,  
*Commissioner*

**Fiscal Note:** 16-15. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**§§ 43a.1—43a.11. (Reserved).**

**(Editor's Note:** These proposed regulations replace the Statement of Policy published at 49 Pa. Code Chapter 43a, pages 43a-1—43a-16 (serial page nos. (201947)—(214490)).

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL**

**§ 43b.1. Purpose.**

The purpose of this chapter is to adopt a schedule of civil penalties, procedures for their imposition and procedures for appeal for persons operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit. The schedule of civil penalties also includes penalties imposed for violating provisions of statutes and regulations of the licensing boards and relating to the conduct or operation of a business or facility as licensed by a licensing board in the Bureau.

**§ 43b.2. Definitions.**

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

*Act*—The act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. §§ 2201—2207).

*Authorized agent*—An individual authorized by the Bureau to issue citations in accordance with the act.

*Bureau*—The Bureau of Professional and Occupational Affairs under the Commissioner within the Department of State.

*Commissioner*—The Commissioner of Professional and Occupational Affairs.

**§ 43b.3. Procedures.**

(a) *Inspections/investigations.* Authorized agents may conduct inspections and investigations for the purpose of ascertaining compliance with statutory provisions and regulations of licensing boards and commissions relating to required licensure and the conduct or operation of a business or facility.

(b) *Citations.*

(1) If an inspection reveals a violation of a statute or a regulation for which a civil penalty has been established under the following schedule, the authorized agent may prepare a citation indicating the violations found and the penalties imposed. A copy of the citation will be provided to the respondent.

(2) The citation shall be made on a form approved by the Bureau.

(3) Within 10 days of the date of the issuance of the citation, the respondent shall enter one of the following:

(i) A plea to admit to the violation and remit payment of the civil penalty to the Bureau.

(ii) A plea to deny the violation and request a hearing to contest the imposition of a civil penalty.

(4) Failure to respond to the citation in the manner specified in paragraph (3) within 10 days will result in the entry of a default judgment against the respondent for the full amount of the civil penalty and may result in additional disciplinary action.

(5) The civil penalties shall be paid by certified check or cashier's check or money order and made payable to the "Commonwealth of Pennsylvania," and mailed to: Commonwealth of Pennsylvania, Department of State, Complaints Office—Citations, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649.

(c) *Hearings.*

(1) Hearings shall be conducted by a hearing examiner in compliance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(2) If a violation is found, the hearing examiner shall impose the full amount of the civil penalty as charged in the citation and as authorized by the schedules in this chapter.

(d) *Appeals.* A decision by a hearing examiner may be appealed by any party by filing an application for review with the appropriate licensing board within 20 days of the mailing date of the order. An application for review shall set forth with specificity the grounds for appeal. The board will review the record established before the hearing examiner and in its discretion receive additional evidence.

(e) *Miscellaneous.* This section supplements 1 Pa. Code Part II (relating to general rules of administrative practice and procedures.)

**§ 43b.4. Schedule of civil penalties—barbers and barber shops.**

**STATE BOARD OF BARBER EXAMINERS**

<b>Violation Under 63 P. S.</b>	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 551	Practicing without a license	1st offense—\$250 2nd offense—Formal action
Section 557	Availability of current license on premises	1st offense—\$50 2nd offense—\$250
Section 558	Practicing on lapsed or expired license	1st offense—Up to 90 days—Warning; 90 days or more—\$100 2nd offense—Formal action

<b>Violation Under 63 P. S.</b>	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 558	Operating a business or facility on a lapsed or expired permit or license	1st offense—Up to 90 days—Warning; 90 days or more—\$250 2nd offense—Formal action
Section 559	Failure to employ licensed persons	1st offense—\$250 for each individual unlicensed barber 2nd offense—Formal action
Section 560	Opening shop for business before shop inspected and approved	1st offense—\$100 2nd offense—Formal action
Section 560	Failure to file application when taking over as owner of existing shop	1st offense—\$100 2nd offense—Formal action
Section 562	Operating an establishment without supervision of manager barber	1st offense—\$100 2nd offense—Formal action
Section 563	Operating a business or facility without a permit or license	1st offense—\$250 2nd offense—Formal action
Section 563(a)	Licensee practicing in place other than licensed shop	1st offense—\$150 2nd offense—Formal action

**Violation Under 49 Pa. Code Chapter 3**

<b>Title/Description</b>	<b>Civil Penalty</b>
Section 3.51(a) Failure to obtain new shop license when shop moves	1st offense—\$100 2nd offense—\$250
Section 3.51(b) Failure to register tradename	1st offense—\$50 2nd offense—Formal action
Section 3.54 Failure to meet minimum equipment requirements	1st offense—\$50 2nd offense—Formal action
Section 3.55 Failure to meet minimum maintenance requirements	1st offense—\$50 2nd offense—Formal action
Section 3.85 School equipment does not meet requirements	1st offense—\$50 2nd offense—\$250
Section 3.86 School maintenance and sterilization requirements not met	1st offense—\$50 2nd offense—\$100 per requirement
Section 3.89 School advertising requirements not met	1st offense—\$50 2nd offense—\$250

**§ 43b.5. Schedule of civil penalties—cosmetologists, manicurists, cosmeticians, shops.**

**STATE BOARD OF COSMETOLOGY**

<b>Violation Under 63 P. S.</b>	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 508	Practicing without a license	1st offense—\$500 2nd offense—Formal action
Section 508	Maintaining an unlicensed shop	1st offense—\$500 2nd offense—Formal action
Section 514	Practice in place other than licensed shop	1st offense—\$500 2nd offense—Formal action
Section 519(a)	Owner employing unlicensed employes	1st offense—\$500 for each unlicensed individual 2nd offense—Formal action
Section 524	Availability of current licenses and permits on the premises	1st offense—\$100 2nd offense—\$250

**Violation Under 49 Pa. Code Chapter 7**

<b>Title/Description</b>	<b>Civil Penalty</b>
Section 7.43 Practice on lapsed license	1st offense—Up to 90 days—Warning; 90 days or more—\$250 2nd offense—Formal action



**Violation Under  
49 Pa. Code  
Chapter 7**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 7.62	Operating without manager	1st offense—\$100 2nd offense—\$250
Sections 7.64(a)	Manager employing unlicensed persons	1st offense—\$500 for each unlicensed individual 2nd offense—Formal action
Sections 7.71—7.79	Physical requirements for beauty shop	1st offense—\$50 for each violation 2nd offense—\$100 for each violation
Section 7.82	Failure to maintain record of services rendered outside a shop	1st offense—\$50 2nd offense—\$250
Section 7.92	Failure to sterilize equipment	1st offense—\$100 2nd offense—\$250
Section 7.93	Unsanitary use of towels	1st offense—\$100 2nd offense—\$250
Section 7.94	Unsanitary use of supplies	1st offense—\$100 2nd offense—\$250
Section 7.101	Electrical appliances not properly installed/grounded	1st offense—\$50 2nd offense—\$250
Section 7.114	School equipment and supplies not sufficient for student enrollment	\$50/each item missing
Section 7.117	Failure to employ supervisor	1st offense—\$500 2nd offense—Formal action
Section 7.118(a)	Unlicensed teachers	1st offense—\$500 2nd offense—Formal action
Section 7.118(b)	Availability of instructor license on the premises	1st offense—\$100 2nd offense—\$250
Section 7.118(c)	Failure to employ at least one full time instructor	1st offense—\$100 2nd offense—\$250
Section 7.118(d)	Allowing student-teacher ratio to exceed 25:1	1st offense—\$100 2nd offense—\$250
Section 7.119	Failure to maintain student records	1st offense—\$250 2nd offense—Formal action
Section 7.119a	Failure to obtain notarized transcript; failure to obtain verification from other state	1st offense—\$50 2nd offense—\$250
Section 7.120	Work done by students on public; failure to post notices; failure to post sign	1st offense—\$100 2nd offense—\$250
Section 7.121	Failure to advertise licensee name or student work	1st offense—\$100 2nd offense—\$250
Section 7.134	Apprentice reports—failure to submit to board	1st offense—\$100 2nd offense—\$250

**§ 43b.6. Schedule of civil penalties—funeral directors and funeral establishments.**

**STATE BOARD OF FUNERAL DIRECTORS**

**Violation Under  
63 P. S.**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 479.6	Failure to display licenses conspicuously	1st offense—\$50 2nd offense—\$250
Section 479.13	Practice without license	Any offense—\$1,000

**Violation Under  
49 Pa. Code  
Chapter 13**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 13.83 Section 13.84 Section 13.194	Requirements for advertising of name of licensee	1st offense—\$100 2nd offense—\$250
Section 13.91	Operating funeral establishment without Board approval	Any offense—\$1,000

**Violation Under  
49 Pa. Code  
Chapter 13**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 13.171	Use of preparation room for purposes other than embalming or caring for remains	1st offense—\$100 2nd offense—Formal action
Section 13.174	Preparation room facility and equipment requirements	1st offense—\$100 per violation 2nd offense—\$250 per violation
Section 13.182	Improper disposal of waste products including biohazardous waste	1st offense—\$100 2nd offense—\$500
Section 13.193	Advertising name of permanent supervisor	1st offense—\$100 2nd offense—\$250
Section 13.224	Failure to comply with reporting requirements for prepaid burial contracts	1st offense—\$100 2nd offense—Formal action
Section 13.225	Failure to file affidavit for prepaid burial account	1st offense—\$100 2nd offense—Formal action
Section 13.231	Practicing on a lapsed license	Up to 60 days—1st offense—Warning 60 days or more—\$500 2nd offense—Formal action

**§43b.7. Schedule of civil penalties—pharmacists and pharmacies.**

**STATE BOARD OF PHARMACY**

**Violation Under  
49 Pa. Code  
Chapter 27**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 27.11	Pharmacy Permit— (a) Lack of permit showing accurate and current information as to name and address of pharmacy and name of pharmacist manager (b) Display, advertise or use a name other than registered name (g) Failure to notify Board of change in pharmacist manager or operation of pharmacy without pharmacist manager.	\$100  1st offense—\$100 2nd offense—\$100  1st offense—\$50 per month or part of month; Formal action if no compliance within 60 days after receiving citation 2nd offense—same as 1st offense
Section 27.14	Supplies— (b) Expired drugs  (c) Failure to maintain equipment and miscellaneous supplies	1st offense—Under 1 year old—\$250 1st offense—Over 1 year old—\$500 2nd offense—\$1,000  \$100 each
Section 27.15	Sanitary standards— (a) and (b) Uncleanliness (c) Pharmacy not in good repair (d) Waste disposal violations (e) Prescription area not dry, well ventilated and well lighted; not free from rodents or insects (f) Plumbing not functional (g) Unauthorized items in prescription area	\$250  \$250 \$250 \$250 \$250 \$250
Section 27.16	Construction requirements— (b)(5) Lack of telephone (6) Lack of required sanitary facilities (8) Television set in prescription area not intended for pharmacy instructional use (9) Drugs accessible to unauthorized persons; animals unrelated to pharmacy security in prescription area	\$250  \$250 \$500 \$250
Section 27.18	Standards of practice— (a) Unsuitable containers (b) Lack of required information on prescriptions	\$100  \$100

**Violation Under  
49 Pa. Code  
Chapter 27**

Title/Description	Civil Penalty
(d) Lack of required information on container labels	\$100

**Violation Under  
28 Pa. Code  
Chapter 25**

Title/Description	Civil Penalty
Section 25.55(d) Improper generic substitution	
Five to nine	\$250
10 or more	\$500
Section 25.55(e) Failure to refill prescription with the identical product without authorization from prescriber and patient	\$100
Section 25.56(a) Improper filing of Schedule II prescriptions	\$100
Section 25.56(b) Improper filing of Schedule III, IV, V prescriptions	\$100
Section 25.63(b) Inadequate security for controlled substances	\$250
Section 25.92 Lack of lot numbers required on stock items	\$100
Section 25.94 Lack of expiration date on label of dispensed drugs of less than 1 year's potency.	\$100

**§ 43b.10. Schedule of civil penalties—real estate and cemetery brokers, real estate schools.**

**STATE REAL ESTATE COMMISSION**

**Violation Under  
63 P. S.**

Title/Description	Civil Penalty
Section 455.301 Acting in capacity of cemetery broker or cemetery salesperson without a license	1st offense—\$250
Section 455.601(a) Failure of licensee to notify Commission of change of location of office of broker or cemetery broker within 10 days	1st offense—\$125 2nd offense—\$250
Section 455.601(a) Failure of broker or cemetery broker to maintain sign with licensed name outside office	1st offense—\$250 2nd offense—\$500
Section 455.603 Failure of licensee to notify Commission of change of employing broker within 10 days	1st offense—\$125 2nd offense—\$250
Section 455.604(a)(4) Use of any trade name or insignia or membership in any real estate association or organization of which the licensee is not a member	1st offense—\$250 2nd offense—\$500
Section 455.604(a)(8) Placing a “for sale” or “for rent” sign or advertising property without the written consent of the owner	1st offense—\$100 2nd offense—\$250
Section 455.604(a)(16) Failure to exercise adequate supervision of licensed salesperson or associate broker (when subordinate violates § 455.601(a), 455.603 or 455.604(a)(21))	Same as penalty for underlying offense by subordinate
Section 455.604(a)(21) Failure of licensee to have current license when performing licensed activity	1st offense—\$250
Section 455.604(a)(26) Failure to include right-of-cancellation information in a time share or campground membership	1st offense—\$500 2nd offense—\$1,000
Section 2205(b)(2) Aiding and abetting cemetery sales activities by unlicensed individuals	1st offense—\$250 per individual

**Violation under  
49 Pa. Code  
Chapter 35**

Title/Description	Civil Penalty
Section 35.242(a) Failure of broker or cemetery broker to devote office to transaction of real estate business in privacy	1st offense—\$100
Section 35.242(b) Failure of broker or cemetery broker to maintain separate entrance to office located in private residence	1st offense—\$50 2nd offense—\$100
Section 35.242(c) Failure of broker or cemetery broker to display business name prominently and in permanent fashion outside office	1st offense—\$250 2nd offense—\$500
Section 35.243(a) Failure of broker or cemetery broker to obtain license before opening branch office	1st offense—\$250 2nd offense—\$500

**Violation under  
49 Pa. Code  
Chapter 35**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 35.245(a)	Failure of broker, cemetery broker or rental listing referral agent to conspicuously display current license at main office	1st offense—\$100 2nd offense—\$250
Section 35.245(b)	Failure of associate broker, salesperson, associate cemetery broker or cemetery salesperson to conspicuously display current license at office out of which licensee works	1st offense—\$100 2nd offense—\$250
Section 35.245(c)	Failure of broker or cemetery broker to conspicuously display current branch office license at branch office	1st offense—\$100 2nd offense—\$250
Section 35.245(d)	Failure of broker or cemetery broker to maintain at main office list of licensed employees and branch offices at which employees work	1st offense—\$100 2nd offense—\$250
Section 35.285	Failure to provide Commission or its representative with information regarding a franchisor, network or other parent real estate company with which the licensee is or may become affiliated	1st offense—\$250 2nd offense—\$500
Section 35.286(b)	Failure of a licensed entity other than an individual to produce its corporate, partnership or association records for examination by the Commission or its authorized representative	1st offense—\$250 2nd offense—\$500
Section 35.290(b)	Failure of a licensee to notify the Commission of disciplinary action taken against the licensee by the real estate licensing authority of another jurisdiction within 30 days of receiving notice of the disciplinary action	1st offense—\$500 2nd offense—\$1,000
Section 35.301(a)	Advertising the sale or lease of real estate without the authority of the seller or lessor or its agent	1st offense—\$250 2nd offense—\$500
Section 35.301(b)	Publishing information about a rental property if the lessor or property manager expressly stated that the property was not to be included in lists prepared by rental listing referral agents	1st offense—\$250 2nd offense—\$500
Section 35.304	Failure of a broker who sells or leases his own real estate to disclose in ads for the property that he is a real estate broker	1st offense—\$250 2nd offense—\$500
Section 35.305(a)	Failure of broker, cemetery broker or rental listing referral agent to advertise or hold himself out to public under business name designated on license	1st offense—\$250 2nd offense—\$500
Section 35.305(b)	Failure of associate broker, salesperson, associate cemetery broker or cemetery salesperson to include employing broker's name and telephone number on advertisement	1st offense—\$500 2nd offense—\$750
Section 35.361(a)	Failure of real estate school to prominently display certificate of approval at main location and copy at each satellite location	1st offense—\$100 2nd offense—\$250
Section 35.361(b)	Failure of real estate school to prominently display school's approved name outside each school location	1st offense—\$250 2nd offense—\$500
Section 35.361(c)	Failure of real estate school to prominently display school director's letter of approval at main location and copy at each satellite location	1st offense—\$100 2nd offense—\$250
Section 35.361(d)	Failure of real estate school to prominently display alphabetical list of courses and instructors at each school location	1st offense—\$100 2nd offense—\$250
Section 35.361(e)	Failure of real estate school to prominently display a list of satellite locations at main location	1st offense—\$100 2nd offense—\$250

## § 43b.9. Schedule of civil penalties—vehicle manufacturers, dealers and salespersons.

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Violation****Under****63 P. S. §818**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 818.5(a)	Individual working as unlicensed salesperson for dealership	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.5(d)	Failure to display license in principal office	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.5(h)	Vehicle auction not posting list of revoked/suspended licensees	1st offense—\$250 2nd offense—\$500 3rd offense—Formal action
Section 818.19(15)	Licensed dealer employing unlicensed salesperson	1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action
Sections 818.5(a) and 818.19(27)	Licensed dealer operating an unlicensed branch lot	1st offense—\$1,000 2nd offense—Formal action
Section 818.19(34)	Licensed dealer conducting its business under any name other than its licensed name	1st offense—\$250 2nd offense—\$500 3rd offense—Formal action
Section 818.19(37)	Licensed dealer failing to produce records to an authorized agent of the Board	1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action

**Violation under****49 Pa. Code****Chapter 19**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 19.17	Broker or dealer business identity combined with other businesses	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(1)	Dealer does not have permanent enclosed building	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(2)	Dealership does not have private office	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(3)(i)	Dealer display area for five vehicles or 5,000 square feet	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(3)(ii)	Display lot not graded and surfaced with required material	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(3)(iii)	Display area separated from adjacent parking area	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(3)(iv)	Display area lighted if open evenings	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(5)	Dealer fails to maintain separate telephone line	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(6)	Business sign not permanent or visible to the public	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(7)	Dealership in violation of land use ordinances	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(9)	Failure to post business hours	1st offense—\$100 2nd offense—\$500

[Pa.B. Doc. No. 97-905. Filed for public inspection June 6, 1997, 9:00 a.m.]

# DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

## Proposed Amendments to the Delaware River Basin Commission's Groundwater Protected Area Regulations for Southeastern Pennsylvania

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on proposed amendments to its Groundwater Protected Area Regulations for Southeastern Pennsylvania with respect to the establishment of numerical groundwater withdrawal limits for subbasins in the protected area. The proposed limits, based upon hydrologic budget analyses, would initially be specified for the 14 subbasins in the Neshaminy Creek Basin. Limits for the remaining 52 subbasins within the protected area would be developed upon completion of additional hydrologic budget analyses, scheduled to be completed late in 1997.

### *Dates*

The public hearing will be held on Tuesday, June 24, 1997, beginning at 3 p.m. and continuing until 5 p.m., as long as there are people present wishing to testify. The hearing will resume at 7 p.m. and continue until 9 p.m., as long as there are people present wishing to testify.

The deadline for inclusion of written comments in the hearing record will be announced at the hearing. Persons wishing to testify at the hearing are requested to register with the Secretary in advance of the hearing.

### *Addresses*

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628. The public hearing will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive in West Trenton, New Jersey.

### *For Further Information Contact*

Copies of the Commission's Groundwater Protected Area Regulations for Southeastern Pennsylvania may be obtained by contacting Susan M. Weisman, Commission Secretary, at (609) 883-9500 ext. 203.

### *Supplemental Information*

#### *Background and Rationale*

The Commission's Groundwater Protected Area Regulations for Southeastern Pennsylvania were adopted in 1980 to prevent depletion of groundwater, protect the interests and rights of lawful users of the same water source, and balance and reconcile alternative and conflicting uses of limited water resources in the area. Lowered water tables resulting from withdrawals in excess of recharge rates have led to reduction of flows in some perennial streams in the region and have dried up some stream reaches which previously flowed all year. Such reductions in base flow interfere with instream and downstream water uses, adversely affect fisheries and aquatic life and threaten to reduce the capacity of streams in the region to assimilate pollutants.

Since then, the groundwater protected area regulations have been implemented and all interference issues have been addressed, with many sources limited to more reliable quantities. In addition, other alternative supplies have been made available in much of the protected area.

While it is clear that groundwater withdrawals have impacted the low flow of perennial streams, it has been difficult to address the impact on streamflow on a project by project basis. With this in mind, the Commission and its Groundwater Advisory Committee evaluated a variety of approaches and determined that additional information was needed. In 1996, the United States Geological Survey completed work on a computer program to more accurately compare water withdrawals and groundwater base flow in the Neshaminy Creek Basin. Over the past year, the Commission's Groundwater Advisory Committee met on several occasions to review the study products and discuss possible management strategies to address the problems identified by the study. Commission staff has presented the study results and options to some 15 county planning entities, State and Federal agencies and watershed, civic and professional organizations. Finally, the Commission held public briefings on the proposed amendments to the regulations on April 8, 1997, in Doylestown, Pennsylvania and on April 10, 1997, in West Chester, Pennsylvania.

The proposed amendments to the Groundwater Protected Area Regulations would establish a two-tiered system of withdrawal limits. The first tier would serve as a warning that a subbasin is "potentially stressed." In potentially stressed subbasins, applicants for new or expanded groundwater withdrawals would be required to implement one or more programs to mitigate adverse impacts of additional groundwater withdrawals. Acceptable programs would include: conjunctive use of groundwater and surface water; expanded water conservation; programs to control groundwater infiltration; and artificial recharge and spray irrigation. The second tier would serve as the maximum withdrawal limit. The Commission would seek to prevent groundwater withdrawals from exceeding the maximum withdrawal limit.

The proposed regulations would also provide incentives for holders of existing DRBC docket and protected area permits to implement the above-cited conjunctive use and conservation programs to mitigate the adverse impacts of their groundwater withdrawals. If docket or permit holders successfully implement one or both programs, the Commission would extend the docket or permit duration for up to 10 years.

The proposed regulations would also specify administrative criteria for issuing and review of dockets and permits as well as protocol for updating and revising withdrawal limits to provide additional protection for streams designated by the Commonwealth as "high quality" or "exceptional value," or to correspond with any integrated resources plans adopted by municipalities for subbasins.

The groundwater study which provided the basis for the proposed withdrawal limits for the 14 subbasins in the Neshaminy Creek Basin was prepared by the United States Geological Survey in cooperation with the Commission and is entitled "Water-Use Analysis Program for the Neshaminy Creek Basin, Bucks and Montgomery Counties, Pennsylvania." Limited quantities of this report and its accompanying map series entitled "Maps of Difference Between Groundwater Contributions to Base Flow for the Various Recurrence Intervals and Groundwater Withdrawals in the Neshaminy Creek Basin, Pennsylvania" were printed and may be reviewed at the Commission's

offices at 25 State Police Drive, West Trenton, New Jersey. Contact Judith L. Strong, Commission Librarian at (609) 883-9500 ext. 263 to make an appointment. Review copies are also available at the offices of the Bucks County Planning Commission (215) 345-3400; Bucks County Library Center (215) 348-9082; Montgomery County Planning Commission (Drew Shaw) (610) 278-3733; the Chester County Library (Sue Wilson) (610) 363-0884; and Lehigh Valley Planning Commission (610) 264-4544.

The subject of the hearing will be as follows:

*Amendment to the Commission's Groundwater Protected Area Regulations for Southeastern Pennsylvania Relating to the Establishment of Numerical Groundwater Withdrawal Limits for Subbasins in the Protected Area.*

It is proposed to:

1. Amend the Groundwater Protected Area Regulations for Southeastern Pennsylvania as follows: Section 6 is hereby modified by the addition of new subsections h. through m., to read as follows:

h. Dockets and protected area permits may be issued for a duration of up to 10 years and shall specify the maximum total withdrawals that must not be exceeded during any consecutive 30-day period. Such maximum total withdrawals shall be based on demands projected to occur during the duration of the docket or protected area permit.

i. Groundwater withdrawal limits shall be defined for subbasins in accordance with the provisions of (1) or (2). The limits for specific subbasins are set forth in (3).

(1) Hydrologic budget analyses shall be conducted for all subbasins in the Southeastern Pennsylvania Groundwater Protected Area. The analyses shall determine the 1-year-in-25 average annual baseflow rate. The 1-year-in-25 average annual baseflow rate shall serve as the maximum withdrawal limit for net annual groundwater withdrawals for subbasins. If net annual groundwater withdrawals exceed 75 percent of this rate for a subbasin, such a subbasin shall be deemed "potentially stressed." The Commission shall maintain a current list of net annual groundwater withdrawals for all subbasins. "Net" annual groundwater withdrawals include total groundwater withdrawals less total water returned to the groundwater system of the same subbasin.

(2) Upon application by the appropriate governmental body or bodies, the withdrawal limits criteria set forth in (1) may be revised by the Commission to provide additional protection for any subbasin identified in (3) with streams or stream segments designated by the Commonwealth as either "high quality" or "exceptional value" or to correspond with more stringent requirements in integrated resource plans adopted and implemented by all municipalities within a subbasin identified in (3). Integrated resource plans shall set forth the hydrologic basis for more stringent withdrawal limits and consider groundwater availability, potential impacts of withdrawals on flow frequency, and existing and future water needs in the subbasin. Integrated resource plans shall be adopted and implemented by all municipalities within a subbasin and incorporated into each municipality's Comprehensive Plan, which is required by the Pennsylvania Municipalities Planning Code.

(3) The potentially stressed levels and withdrawal limits for all delineated basins and subbasins are set forth below:

<i>Neshaminy Creek Basin</i>		
<i>Subbasin</i>	<i>Potentially Stressed (mg/y)</i>	<i>Withdrawal Limit (mg/y)</i>
West Branch Neshaminy	1054	1405
Pine Run	589	785
North Branch Neshaminy	845	1126
Main Stem Doylestown	713	950
Main Stem Warwick	927	1236
Little Neshaminy Warrington	505	673
Park Creek	584	779
Little Neshaminy Warminster	1008	1344
Mill Creek	1175	1567
Main Stem Northampton	593	791
Newtown Creek	298	397
Core Creek	497	662
Ironworks Creek	326	434
Main Stem Lower Neshaminy	2876	3835

Subject to public notice and hearing, this section may be updated or revised based upon completion of hydrologic budget analyses for the remaining 52 subbasins within the Protected Area or in accordance with (2).

j. Upon its determination that a subbasin is potentially stressed, the Commission shall notify all groundwater users in the subbasin withdrawing 10,000 gallons per day or more during any 30-day period of its determination. If any such users have not obtained a docket or protected area permit from the Commission, they shall be required to apply to the Commission within 60 days of notification.

k. In potentially stressed subbasins, dockets and protected area permit applications for new or expanded groundwater withdrawals must include one or more programs to mitigate the adverse impacts of the new or expanded groundwater withdrawal. The eligible programs are noted below. If the remainder of the application and the program(s) submitted are acceptable, the withdrawal may be approved by the Commission for an initial 3-year period. The applicant shall implement the program(s) immediately upon Commission approval. If after the 3-year period the program(s) is deemed successful by the Commission, the docket or permit duration may be extended for up to 10 years. The project sponsor shall be required to continue the program(s) for the duration of the docket or permit.

(1) A conjunctive use program that demonstrates the applicant's capability to obtain at least 15 percent of its average annual system usage from a reliable surface water supply. An acceptable program shall include either reservoir storage or an interconnection with a surface water supplier and an agreement or contract to purchase water from the supplier for the duration of the docket or permit.

(2) A water conservation program that exceeds the requirements of Section 7. For existing water utilities, the program shall reduce average annual per capita water usage by at least 5%. All conservation programs shall include water conservation pricing, either inclining block rates, seasonal rates, or excess-use surcharges, and plumbing fixture rebate or retrofit components. For self-supplied users, the program shall include water efficient technologies such as recycling, reuse, xeriscaping, drip or micro irrigation, or other innovative technology approved by the Commission.

(3) A program to monitor and control groundwater infiltration to the receiving sewer system. The program must quantify groundwater infiltration to the system and

document reductions in infiltration. The program should include such measures as leakage surveys of sewer mains, metering of sewer flows in mains and interceptors, analysis of sewer system flows to quantify infiltration, and remedial measures such as repair of leaks and joints, main lining and main replacement.

(4) An artificial recharge or spray irrigation program that demonstrates a return of at least 60 percent of the total new or expanded annual withdrawal to the same groundwater basin and aquifer system from which it is withdrawn. The program shall not impair groundwater quality.

l. The durations of all existing docket and protected area permits may be extended by the Commission for an additional 5 years if the docket or permit holder successfully implements either option (k)(1) or (k)(2). If the docket or permit holder successfully implements both options, the docket or permit may be extended for an additional 10 years. The Executive Director shall notify all docket and permit holders potentially affected by this resolution of their right to file an application to determine their eligibility for extension.

m. It is the policy of the Commission to prevent, to the extent reasonably possible, net annual groundwater withdrawals from exceeding the maximum withdrawal limit. An application for a proposed new or expanded groundwater withdrawal that would result in net annual groundwater withdrawals exceeding the maximum withdrawal limit established in paragraph (i)(3) shall set forth the applicant's proposal for complying with the Commission's policy, with such supporting documentation as may be required by the Executive Director. Notification of the application shall be given to all affected existing water

users who may also submit comments or recommendations for consideration by the Commission on the pending application. In taking action upon the application, the Commission shall give consideration to the submissions from the applicant and affected water users. If the Commission determines that it is in the public interest to do so, it may reduce the total of proposed and existing groundwater withdrawals within a subbasin to a level at or below the withdrawal limit. Unless otherwise determined by the Commission, docket and permit holders shall share equitably in such reductions.

2. This regulation shall be effective immediately. Delaware River Basin Compact, 75 Stat. 688.

SUSAN M. WEISMAN,  
*Secretary*

**Fiscal Note:** 68-34. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART V. DELAWARE RIVER BASIN COMMISSION  
CHAPTER 901. GENERAL PROVISIONS**

**§ 901.5. Groundwater protection area, southeastern Pennsylvania.**

The Basin Regulations, Groundwater Protection, South-eastern Pennsylvania, as set forth at 18 CFR Part 430 [ 1985 ] 1997 are hereby incorporated by reference and made part of this title.

[Pa.B. Doc. No. 97-906. Filed for public inspection June 6, 1997, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of section 8 of the Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law (3 P. S. §§ 68.1—68.9) hereby establishes the commercial values per pound of nitrogen, phosphoric acid and potash.

The values are established as follows:

nitrogen	\$0.29 per pound
phosphoric acid	\$0.27 per pound
potash	\$0.13 per pound

### Further Information

Further information is available by contacting John W. Breitsman, Program Specialist, Division of Agronomic Services, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

### Effective Date

These commercial values are effective commencing July 1, 1997, and shall remain effective until further notice.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 97-907. Filed for public inspection June 6, 1997, 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 27, 1997.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-21-97	F.N.B. Corporation, Hermitage, to acquire up to 15.0% of the voting shares of Sun Bancorp, Inc., Selinsgrove	Hermitage	Approved

#### Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-21-97	Peoples Home Savings Bank Beaver Falls Beaver County	Beaver Falls	Approved
Application represents reorganization into a mutual holding company to be known as PHS Bancorp, M.H.C., Beaver Falls.			

### CONVERSIONS

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
5-22-97	Patriot Bank Pottstown Montgomery County	Pottstown	Effective
<i>To:</i>			
Patriot Savings Bank Pottstown Montgomery County			
Represents initial step in conversion from a Federally-chartered savings bank to a State-chartered commercial bank.			

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-22-97	Patriot Interim Bank, Pottstown, and Patriot Savings Bank, Pottstown Surviving Institution—	Pottstown	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	Patriot Interim Bank, Pottstown, with a change in corporate title to Patriot Bank		
	Represents final step in above-noted conversion of Patriot Bank from a Federally-chartered savings bank to a State-chartered commercial bank which will be a wholly-owned subsidiary of Patriot Bank Corp., Pottstown, a bank holding company.		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-12-97	Harris Savings Bank Harrisburg Dauphin County	6301 Grayson Road Harrisburg Swatara Township Dauphin County	Opened
5-20-97	FirstService Bank Lansdale Montgomery County	320 West Street Rd. Warminster Bucks County	Filed
5-23-97	Pennsylvania State Bank Camp Hill Cumberland County	One North Hanover St. Carlisle Cumberland County	Filed

**Branch Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-16-97	Financial Trust Company Carlisle Cumberland County	<i>To:</i> 216 S. Carlisle St. New Bloomfield Perry County  <i>From:</i> 7 Center Square New Bloomfield Perry County	Effective
5-22-97	Summit Bank Bethlehem Northampton County	<i>To:</i> 29 East Third St. Bethlehem Northampton County  <i>From:</i> Lehigh University University Center Bethlehem Northampton County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-22-97	Mid-State Bank and Trust Company Altoona Blair County	Route 220 Tipton Blair County	Approved

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-908. Filed for public inspection June 6, 1997, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of 1997-98 Competitive Funds under the Carl D. Perkins Vocational and Applied Tech- nology Education Act Amendments of 1990

Applications for FY 1997-98 Perkins Vocational and Applied Technology Education competitive funds are invited for the following category:

386—Tech Prep Education: Resource and Services  
Statewide Information Clearinghouse

#### 1. *Eligibility Requirements*

Be an accredited, nonprofit 2 or 4 year public or private university, college or community college with proven experience serving as an information clearinghouse in the areas of facilitation, assembly and dissemination of programmatic materials with private industry or the Federal, State or local government. Must be able to coordinate Statewide meetings, obtain meeting facilities, speakers, agendas and other related services.

### 2. *Application Requirements*

Applications are due June 2, 1997 by 5 p.m. (Change as Published in the *Pennsylvania Bulletin*, May 24th).

*Correction*—Applications are due June 20, 1997, by 5 p.m.

### 3. *Application Forms and Guidelines*

Completion of applications requires the use of two references: the general and categorical guidelines. Documents are available from Emmanuel Constantine, Division of Advisory and Approval Services, Bureau of Vocational-Technical Education, 333 Market Street, 6th

Floor, Harrisburg, PA 17126-0333, (717) 787-5293.

### 4. *Completed Applications*

Completed applications are to be mailed or delivered (not faxed) to the Division of Advisory and Approval Services.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 97-909. Filed for public inspection June 6, 1997, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Richard Adams at (717) 327-3666. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**PA 0020486.** Sewerage, SIC: 4952, **Bellefonte Borough**, 236 West Lamb Street, Bellefonte, PA 16823.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Spring Creek in Spring Township, **Centre County**.

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

The proposed effluent limits for Outfall 001, based on a design flow of 2.4 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Ammonia-N			
(5-1 to 10-31)	3	4.5	6
(11-1 to 4-30)	9	13.5	18
Total Dissolved Phosphorus	1	1.5	2
Total Cl <sub>2</sub> Residual	0.62		2
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

**PA 00112925.** SIC: 4952, **Jemison Valley Brethren In Christ Church**, R. R. 4, Box 720, Westfield, PA 16950.

This proposed action is for renewal of an NPDES permit for discharge of treated sewage to Jemison Creek in Westfield Township, **Tioga County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the PA/NY border located approximately 20 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.001 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Chlorine Residual	monitor	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 S. U. at all times	

The EPA waiver is in effect.

**PA 0027057.** Sewerage, SIC: 4952, **Williamsport Sanitary Authority Central Plant**, 253 West Fourth Street, Williamsport, PA 17701.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to West Branch Susquehanna River in Williamsport City, **Lycoming County**.

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

*Outfall 001*

The proposed effluent limits for the first 3 years of the permit term, based on a design flow of 10.5 mgd, are:

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

The proposed effluent limits after the first 3 years of the permit term, based on a design flow of 10.5 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Cl <sub>2</sub> Residual	0.52		1.7

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

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

**PA 0046388.** Sewerage. **Butler Township Municipal Authority (St. Johns STP)**, P. O. Box 150, St. Johns, PA 18247. This proposed action is for renewal of an NPDES permit to discharge treated sewage into Nescopeck Creek in Butler Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Company on the North Branch of the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .60 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Dissolved Oxygen	a minimum of 5 mg/l at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1.0		2.0

The EPA waiver is in effect.

**PA 0063606.** Industrial waste. SIC: 4911, **GPU Generation, Inc.**, 1001 Broad Street, Johnstown, PA 15907.

This proposed action is for issuance of an NPDES permit to discharge collected and settled stormwater into Brushy Meadow Creek in Bangor Borough, **Northampton County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is City of Easton on the Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of .117 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS		100	
Oil and Grease		20	
Cadmium			monitor and report
Selenium			monitor and report
Zinc			monitor and report
Arsenic			monitor and report

The proposed effluent limits for Outfall 002 based on a design flow of .85 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS		100	
Oil and Grease		20	

The EPA waiver is in effect.

**PA 0046396.** Sewerage. **Butler Township Municipal Authority (Drums STP)**, P. O. Box 150, St. Johns, PA 18247.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Little Nescopeck Creek in Butler Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Company on the North Branch of the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .40 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Dissolved Oxygen	a minimum of 5 mg/l at all times		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1.0		2.0

The EPA waiver is in effect.

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

**PA 0095672.** Sewerage. **Washington County Housing Authority**, 100 Crumrine Tower, Franklin Street, Washington, PA 15301.

This application is for renewal of an NPDES permit to discharge treated sewage from the Frederick Terrace STP in East Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale to Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company, Brownsville Plant, on the Monongahela River.

*Outfall 001:* existing discharge, design flow of 0.029 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0217590.** Sewerage. **Pechin Leasing Company, Inc.**, P. O. Box 340, Pechin Road, Dunbar, PA 15431.

This application is for issuance of an NPDES permit to discharge treated sewage from the Denko Marina Sewage Treatment Plant in Centerville Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Brownsville Intake.

*Outfall 001:* new discharge, design flow of 0.0054 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0021890.** SIC: 4952, Sewage. **New Holland Borough**, 436 East Main Street, New Holland, PA 17557.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Mill Creek, in Earl 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Holtwood Power Plant located in Martic Township, 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 1.14 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 <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2			4
(11-1 to 4-30)	6			12
Total Phosphorus	2			4
Total Residual Chlorine	0.27			0.87
Dissolved Oxygen			minimum of 5.0 at all times	
pH			from 6.0—9.0 inclusive	
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,700/100 ml as a geometric average			

The EPA waiver is not in effect.

**PA 0110361.** SIC: 4952, Sewage. **Freedom Township Water and Sewer Authority**, Municipal Building, P. O. Box 156, East Freedom, PA 16637.

This application is for renewal of an NPDES permit for an expanded discharge of treated sewage to Frankstown Branch, in Blair Township, **Blair County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.40 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 <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	11			22
Total Residual Chlorine	0.78			2.0
Dissolved Oxygen			minimum of 5.0 at all times	
pH			from 6.0—9.0 inclusive	
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	18,500/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0043541.** SIC: 3269, Industrial waste. **The Pfaltzgraff Company (Thomasville Complex)**, Bowman Road, Thomasville, PA 17364.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Honey Run, in Jackson Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Company located along the west bank of the Susquehanna River just north of Wrightsville Borough. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.120 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	25.0	50.0	60.0
Total Phosphorus as P	2.0	4.0	5.0
Total Antimony	0.013	0.026	0.032
Total Mercury		monitor and report	
Total Boron	2.0	4.0	5.0
pH		from 6.0—9.0 inclusive	

The proposed effluent limits for Outfall 002 for a design flow of 0.0035 mgd are:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25.0		50.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21.0
Total Suspended Solids	30.0		60.0

The proposed effluent limits for Outfall 002 are continued:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Total Phosphorus as P	2.0		4.0
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
pH		from 6.0—9.0 inclusive	
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	

The proposed effluent limits for Outfall 003 for a design flow of 0.027 mgd are:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Temperature			
pH		monitor and report	
		from 6.0—9.0 inclusive	

The EPA waiver is in effect.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0082341	Hopewell Borough P. O. Box 100 Hopewell, PA 16650	Bedford	Raystown Branch/ Juniata River	TRC
PA0110442	Carl E. Dallmeyer Family Ltd. Partnership 4775 N. Sherman St. Ext. Mt. Wolf, PA 17347	Bedford Bedford Twp.	Brush Run	TRC
PA0070157	Tulpehocken Area Schools Bethel Elem School 430 New Schaefferstown Rd. Bernville, PA 19506	Berks Bethel Twp.	UNT to Little Swatara Creek	TRC
PA0070157	Caernarvon Twp. Munic Sew. Auth. P. O. Box 291 Morgantown, PA 19543	Berks Caernarvon Twp.	Conestoga River	TRC
PA0039730	RRP Recreation Ltd Partnership 100 Chipmunk Crossing Entriiken, PA 16638	Huntingdon Lincoln Twp.	Raystown Lake	TRC



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

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

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

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

**A. 0297405.** Sewerage. **Henry L. and Deanna D. Betcher, Jr.**, 301 Forest Edge Court, Wexford, PA 15090. Application for the construction and operation of a sub-surface sand filter and outfall and headwall located in the Township of Kilbuck, **Allegheny County** to serve the Betcher residence.

**A. 1197403.** Sewerage. **Forest Hills Municipal Authority**, 401 Grant Street, South Fork, PA 15956. Application for the construction and operation of a 1.2 mgd sewerage system consisting of approximately 125,000 LF of sewer interceptor, a pump station and sewage grinder with a peak flow of 4.2 mgd and a sewage treatment plant located in the Borough of South Fork, **Cambria County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

**A. 6797406.** Sewage. Submitted by **Fairview Township Authority**, 599 Lewisberry Road, New Cumberland, PA 17070 in Fairview Township, **York County** to construct the Buttonwood Estates sewer extension and pumping station and was received in the Southcentral Region on May 8, 1997.

**A. 2197405.** Sewage. Submitted by **Paul McAnulty**, 3651 Waggoners Gap Road, Carlisle, PA 17013 in North Middleton Township, **Cumberland County** to construct a single family sewage treatment facility using artificial wetlands to treat septic tank effluent and was received in the Southcentral Region on May 13, 1997.

**A. 0694423 (Amendment 97-1).** Sewage. Submitted by **Lyons Borough Municipal Authority**, P. O. Box 131, Lyon Station, PA 19536-0131 in Lyons Borough, Maxatawny Township, **Berks County** to construct a sewage treatment plant and was received in the Southcentral Region on May 19, 1997.

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

**1597406.** Sewerage. **B.H.C. Venture, Inc.**, 909 Delaware Avenue, Wilmington, DE 19899. Construction of a sanitary sewer main extension and a proposed pump station to serve Hartefeld Residential Development located in New Garden Township, **Chester County**.

**2397405.** Sewerage. **Robert and Linda Protesto**, 1941 Ridley Creek Road, Media, PA 19063. Construction

of a small flow treatment facility to serve Protesto residence located in Upper Providence Township, **Delaware County**.

**INDIVIDUAL PERMITS**

**(PAS)**

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

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

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

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

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

*Southwest Regional Office: Regional Water Management  
Program Manager, 400 Waterfront Drive, Pittsburgh, PA  
15222, (412) 442-4028.*

*Northeast Regional Office: Regional Water Management  
Program Manager, 2 Public Square, Wilkes-Barre, PA  
18701, (717) 826-2553.*

*Southcentral Regional Office: Regional Water Management  
Program Manager, 1 Ararat Boulevard, Harrisburg,  
PA 17110, (717) 657-4590.*

*Adams County Conservation District, District Manager,  
57 N. 5th Street, Gettysburg, PA 17325, (717) 334-0636.*

**NPDES Permit PAS100023.** Stormwater. **Klein Family LP**, 5220 Klees Mill Road, Sykesville, MD 21784 has

applied to discharge stormwater from a construction activity located in Mt. Joy Township, **Adams County**, to Lousy Run and Rock Creek.

*Berks County Conservation District, District Manager, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.*

**NPDES Permit PAS10C033.** Stormwater. **Conrad Weiser Area School District**, 347 E. Penn Avenue, Robesonia, PA 19551 has applied to discharge stormwater from a construction activity located in Heidelberg and Lower Heidelberg Townships, **Berks County**, to Furnace Creek.

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

**NPDES Permit PAS10M097.** Stormwater. **Greencastle Associates**, Robert Kinsley, 2700 Water Street, York, PA 17403 has applied to discharge stormwater from a construction activity located in Antrim Township, **Franklin County**, to Muddy Run.

*Indiana County Conservation District, District Manager, 251 Route 286, Indiana, PA 15701, (412) 463-7702.*

**NPDES Permit PAS103109.** Stormwater. **Pennsylvania Department of Transportation**, P. O. Box 429, Rte. 286 South, Indiana, PA 15701 has applied to discharge stormwater from a construction activity located in East Mahoning Township, **Indiana County**, to Pickering Run.

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

**NPDES Permit PAS10-O-067.** Stormwater. **The United States Produce Company**, 601 Pa. Avenue NW, Ste. 900, Washington, DC 20004 has applied to discharge stormwater from a construction activity located in Manor Township, **Lancaster County**, to Indian Run.

**NPDES Permit PAS10-O-068.** Stormwater. **Walmart Stores Inc.**, 701 S. Walton Boulevard, Bentonville, AR 72716 has applied to discharge stormwater from a construction activity located in Ephrata Township, **Lancaster County**, to UNT to the Conestoga River.

*Luzerne County Conservation District, District Manager, Smith Pond Road, Lehman, PA 18627, (717) 674-7991.*

**NPDES Permit PAS10R025.** Stormwater. **Luzerne County Flood Protection Authority**, N. River Street, Wilkes-Barre, PA 18711 has applied to discharge stormwater from a construction activity located in Forty Fort Borough and Swoyersville Borough, **Luzerne County**, to the Susquehanna River.

**NPDES Permit PAS10R027.** Stormwater. **DEP, Bureau of Abandoned Mine Reclamation**, 2 Public Square, Wilkes-Barre, PA 18711 has applied to discharge stormwater from a construction activity located in Butler Township, **Luzerne County**, to the Nescopeck Creek.

*Washington County Conservation District, District Manager, 100 Beau Street, Washington, PA 15301, (412) 228-6774.*

**NPDES Permit PAS10W063.** Stormwater. **Gustine Washington Associates LTD**, 2100 Wharton Street, Brimington Towers, Pittsburgh, PA 15203 has applied to discharge stormwater from a construction activity located in South Strabane Township, **Washington County**, to Chartiers Creek.

**NPDES Permit PAS10W089.** Stormwater. **DEP, Bureau of Abandoned Mine Reclamation**, 122 S. Center

Street, Ebensburg, PA 15931 has applied to discharge stormwater from a construction activity located in Hanover Township, **Washington County**, to Kings Creek.

*Westmoreland County Conservation District, District Manager, R. D. 12, Box 202B, Greensburg, PA 15601, (412) 837-5271.*

**NPDES Permit PAS10X078.** Stormwater. **Wuest Realty Partnership**, William Ferraro, 3020 Ader Road, Jeanette, PA 15644 has applied to discharge stormwater from a construction activity located in Penn Township, **Westmoreland County**, to UNT to Brush Creek.

**NPDES Permit PAS10X079.** Stormwater. **DEP, Bureau of Abandoned Mine Reclamation**, P. O. Box 8476, Harrisburg, PA 17105 has applied to discharge stormwater from a construction activity located in Export Borough, **Westmoreland County**, to Turtle Creek.

**NPDES Permit PAS10X080.** Stormwater. **NBI Properties (Gustine)**, 2100 Wharton Street, Ste. 700, Pittsburgh, PA 15203 has applied to discharge stormwater from a construction activity located in Rostraver Township, **Westmoreland County**, to UNT to Pollock Run.

**NPDES Permit PAS10X081.** Stormwater. **Rostraver Township**, R. D. 4, Port Royal Road, Rostraver, PA 15012 has applied to discharge stormwater from a construction activity located in Rostraver Township, **Westmoreland County**, to UNT to Cedar Creek.

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

**NPDES Permit PAS10Y064.** Stormwater. **Gary Wesner, G C W Properties Inc.**, 96 S. George Street, York, PA 17401 has applied to discharge stormwater from a construction activity located in Penn Township, **York County**, to UNT to Indian Run.

**NPDES Permit PAS10Y065.** Stormwater. **Conewago Contractors**, P. O. Box 407, Hanover, PA 17331 has applied to discharge stormwater from a construction activity located in Shrewsbury Township and Shrewsbury Borough, **York County**, to Codorus Creek.

## SAFE DRINKING WATER

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

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

**A. 4697505.** Public water supply. **PA-American Water Company**, Steve J. Seidl, 800 West Hershey Park Drive, Hershey, PA 17033. This proposal involves the construction of the Blue Bell booster pump station. The pump station will consist of two 7.5-HP pumps and one 40-HP pump in Whitpain Township, **Montgomery County**.

**A. 4697502.** Public water supply. **Audubon Water Company**, Martha Russell, 2650 Eisenhower Avenue, Norristown, PA 19403. This proposal involves the deepening of Well No. AWC-2 to increase the depth of the well from 150 feet to 400 feet in Lower Providence Township, **Montgomery County**.

**A. 1597501.** Public water supply. **Great Spring Waters of America, Inc.**, Mr. Fisher, 405 Nestle Way, Breinigsville, PA 18031. This proposal involves the replacement of the existing Spring Source 3 catchment with a constructed borehole and the addition of an ozone contact unit prior to tanker truck loading in South Coventry Township, **Chester County**.

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

**A. 5689504-T1-A1. Hidden Valley Resort, 1** Craighead Drive, Hidden Valley, PA 15502. Addition of chemical feed equipment to adjust pH for corrosion control serving Jefferson Township, **Somerset County**.

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

**A. 0697502.** Public water supply. **Reading Area Water Authority**, City of Reading, **Berks County**, (Anthony J. Consentino, Executive Director, 815 Washington Street, Reading, PA 19601), installation of water treatment residuals handling and thickening system to augment existing dewatering system at Maiden Creek Filtration Plant (Daniel J. Castellani, P.E., Entech Engineering, Inc., 4 South Fourth Street, P. O. Box 32, Reading, PA 19603).

**A. 3697504.** Public water supply. **Borough of Quarryville**, Quarryville Borough, **Lancaster County** (Daniel W. Mylin, Borough of Quarryville, 300 Saint Catherine Street, Quarryville, PA 17566), installation of a granulated activated carbon treatment system to treat VOC contamination in the Chase Well (Gerald R. McClune, P.E., Acer Engineers and Consultants, Inc., 270 Granite Run Drive, Lancaster, PA 17601).

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

**5296503.** Public water supply. **Moon Valley Falls, J. Wares, Inc.**, Robert H. Miller, President, R. R. 4, Box 8095, Milford, PA 18337. This proposal involves the addition of well No. 4 to an existing public water supply system serving Moon Valley Falls. Treatment consists of disinfection and iron and manganese sequestering. Distribution storage is proposed. It is located in Milford Township, **Monroe County**. Engineer: Fred Schoenagel.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDICATION

Under Act 2, 1995

Preamble 1

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

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will

be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department 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 (800) 654-5984.

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

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

**The Lumber Yard**, Borough of Lemoyne, **Cumberland County**. Paxton Leasing Company, 20 West Market Street, York, PA 17405, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was published in the *Harrisburg Sunday Patriot News* on April 27, 1997.

**Union Tank Car Company**, City of Altoona, **Blair County**. Union Tank Car Company, 151st Street and Railroad Avenue, East Chicago, IN 46312, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in the *Altoona Mirror* on March 28, 1997.

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

**Pennsylvania Power & Light Company (PP&L)—Retired Avoca Substation**, Avoca Borough, **Luzerne County**. PP&L, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide health standard.

**Pennsylvania Power & Light Company (PP&L)—PP&L Pole #63134S48433**, Whitehall Township, **Lehigh County**. PP&L, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide health standard.

**Pennsylvania Power & Light Company (PP&L)—PP&L Pole #64413S48756**, City of Bethlehem, **Lehigh County**. PP&L, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDICATION

Under Act 2, 1995

### Preamble 2

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified 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, 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 Steve Curcio at (814) 332-6816. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

*Northwest Regional Office: John Fruehstorfer, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**Holiday Shell**, 8030 Perry Highway, **County of Erie**, has submitted a Notice of Intent to Remediate soil and groundwater. The site has been found to be contaminated with BTEX. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Erie Daily Times* on March 8, 1997.

## SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

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

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

**A. 301310. Tri-State Petroleum Recovery**, 12 Creek Road, P. O. Box 12, McKees Rocks, PA 15136-1601. Application for a residual waste transfer facility in McKees Rocks Borough, **Allegheny County**. Received in the Regional Office on May 9, 1997.

**A. 300876. GPU Generation, Inc.**, 1001 Broad Street, Johnstown, PA 15907. Conemaugh Station Disposal Site, Conemaugh Generating Station, S. R. 2008, P. O. Box K, New Florence, PA 15944. Application to repermit a residual waste flyash disposal site in West Wheatfield Township, **Indiana County**, was received in the Regional Office on May 2, 1997.

### PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

#### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

**Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

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

**Chambers Medical Technologies, Inc.**, 3011 Smallman Street, Pittsburgh, PA 15201; Michael Bacco, Facility Manager, License No. **PA-HC 0162**; application received May 12, 1997.

## AIR POLLUTION

### OPERATING PERMITS

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

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

*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**17-302-020A.** The Department intends to issue an operating permit to **Philipsburg-Osceola Area School District** (200 Short Street, Philipsburg, PA 16866) for the operation of a bituminous coal/#2 fuel oil-fired boiler and associated air cleaning device (a centrifugal collector) at the Osceola Mills Elementary School in Osceola Borough, **Clearfield County**.

**14-301-031.** The Department intends to issue an operating permit to **The Pennsylvania State University** (Office of Physical Plant, Physical Plant Building, University Park, PA 16802) for the operation of a pathological

and laboratory waste incinerator (Animal Diagnostic Laboratory incinerator) and associated air cleaning device (a scrubber) in College Township, **Centre County**.

**OP-53-0001A.** The Department intends to issue an operating permit to **Tennessee Gas Pipeline Company** (1001 Louisiana Street, Houston, TX 77252-2511) for the operation of 11 natural gas fired reciprocating engines at Compressor Station 313 in Hebron Township, **Potter County**.

**14-310-017J.** The Department intends to issue an operating permit to **Glenn O. Hawbaker, Inc.** (450 East College Avenue, Bellefonte, PA 16823) for the operation of various pieces of stone crushing and conveying equipment and associated air cleaning device (a water spray dust suppression system) in Spring Township, **Centre County**. This equipment is subject to Subpart 000 of the Federal Standards Of Performance for New Stationary Sources.

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

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

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

Permit: **40-310-040**  
Source: Sand & Gravel Plant w/Crushers  
Company: **Barletta Materials & Construction**  
Location: Nescopeck Township  
County: **Luzerne**

Permit: **48-302-094**  
Source: 94 MMBTU Boiler/Fuel Quality  
Company: **Ponderosa Fibres of PA Inc.**  
Location: Northampton Borough  
County: **Northampton**

Permit: **48-318-127**  
Source: Door Prefinish & Finish Lines  
Company: **Lifetime Doors Incorporated**  
Location: Forks Township  
County: **Northampton**

Permit: **54-321-011**  
Source: Textile Dryer w/CVM Lint Filter  
Company: **The Miller Group Incorporated**  
Location: Port Carbon Borough  
County: **Schuylkill**

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**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.**

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

**PLAN APPROVALS**

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

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*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**8-399-034C.** Installation of an air cleaning device (a fabric collector) on various pieces of molybdenum powder sifting, blending, etc. equipment by **Osram Sylvania Products, Inc.** (Box 504, Towanda, PA 18848-0504) in North Towanda Township, **Bradford County**.

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

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

An application for Plan Approval has been received by this office for the construction, modification or reactivation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **13-308-103**  
Source: Waelz Kiln Feed System w/Baghouse  
Received: May 2, 1997  
Company: **Horsehead Resource Development Co.**  
Location: Palmerton Borough  
County: **Carbon**

Permit: **39-313-034A**  
Source: Aluminum Chloride React /Scrubber  
Received: May 5, 1997  
Company: **Harcros Durham Chemicals Inc.**  
Location: City of Allentown  
County: **Lehigh**

Permit: **40-318-049**  
Source: Paint Spray Booth w/Panel Filters  
Received: May 6, 1997  
Company: **Modern Plastics Corporation**  
Location: City of Wilkes-Barre  
County: **Luzerne**

Permit: **45-302-060**  
Source: CB600-800-150ST Boiler /#6 Oil  
Received: May 2, 1997  
Company: **Pasteur Merieux Connaught**  
Location: Pocono Township  
County: **Monroe**

Permit: **54-310-014A**  
Source: Stone Crushing Plant w/Waterspray  
Received: May 7, 1997  
Company: **Pennsy Supply Incorporated**  
Location: Wayne Township  
County: **Schuylkill**

Permit: **54-313-057A**  
 Source: Metal Extraction Process w/Scrub  
 Received: May 12, 1997  
 Company: **World Resources Company**  
 Location: Norwegian Township  
 County: **Schuylkill**

Permit: **54-399-016B**  
 Source: 2 Concentrators w/2 Scrubbers  
 Received: May 12, 1997  
 Company: **World Resources Company**  
 Location: Norwegian Township  
 County: **Schuylkill**

**REASONABLY AVAILABLE CONTROL  
 TECHNOLOGY (RACT)**

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

*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 operat-  
 ing permit for the air contaminant sources and associated  
 air cleaning devices described for:

Permit: **OP-15-0024**  
 Source: Synthetic Minor NOx Facility  
 Company: **Sonoco Products**  
 Location: Downingtown  
 County: **Chester**

**MINING**

**CONDUCT COAL AND NONCOAL ACTIVITIES**

**MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation  
 and Reclamation Act (52 P. S. §§ 1396.1—1396.31a); 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 Con-  
 trol 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 appli-  
 cable 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 Envi-  
 ronmental Protection (Department). A copy of the applica-  
 tion 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 infor-  
 mal 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 Depart-  
 ment 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, manga-  
 nese, suspended solids, settleable solids, alkalinity and  
 pH. In addition to the above, more restrictive effluent  
 limitations, restrictions on discharge volume or restric-  
 tions on the extent of mining which may occur will be  
 incorporated into a mining activity permit when neces-  
 sary 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 submit-  
 ting 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 confer-  
 ence must contain the name, address and telephone  
 number of requestor, application number, a brief sum-  
 mary 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.

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

*Coal Applications Received:*

**24970101. Energy Resources, Inc.** (P. O. Box 259,  
 Brockway, PA 15824) Commencement, operation and res-  
 toration of a bituminous surface strip operation in Fox  
 Township, **Elk County** affecting 44.7 acres. Receiving  
 streams: Curry Run and Little Toby Creek. Application  
 received May 12, 1997.

**33970104. Swisher Contracting, Inc.** (P. O. Box  
 1223, Clearfield, PA 16830) Commencement, operation  
 and restoration of a bituminous surface strip operation in  
 Snyder Township, **Jefferson County** affecting 33.0 acres.  
 Receiving streams an unnamed tributary to Walburn Run  
 and Walburn Run. Application to include a stream en-  
 croachment to construct and maintain erosion and sedi-  
 mentation control facilities within 300 feet but no closer  
 than 50 feet to unnamed tributary #2 to Walburn Run.  
 Application received May 14, 1997.

**16970103. MAF Coal & Excavation, Inc.** (R. D. 1,  
 Box 261A, Sligo, PA 16255). Commencement, operation  
 and restoration of a bituminous surface strip operation in  
 Clarion Township, **Clarion County** affecting 104.2 acres.  
 Receiving streams: unnamed tributaries to Brush Run to  
 Piney Creek to Clarion River. Application to include a  
 landuse change from "Forestland" to a postmining land  
 use of "Pastureland/Land Occasionally Cut for Hay" on  
 lands of Carolyn Mays Axtell and James A. Mays, Jr.  
 Application received May 20, 1997.

**102892-16970103-E-1. MAF Coal & Excavation, Inc.**  
 (R. D. 1, Box 261A, Sligo, PA 16255). Application for a

stream encroachment to construct sedimentation facilities within and across an unnamed tributary to Brush Run. Receiving streams: unnamed tributaries to Brush Run to Piney Creek to Clarion River. Application received May 20, 1997.

*McMurray District Office, 3913 Washington Rd., McMurray, PA.*

**32851601. P and N Coal Company, Inc.** (240 West Mahoning Street, P. O. Box 332, Punxsutawney, PA 15767), to renew the permit for the Hillman Tipple in Banks Township, **Indiana County**, no additional discharge. Application received May 9, 1997.

**17901601. Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849), to renew the permit for the DuBois Tipple in Sandy Township, **Clearfield County**, no additional discharge. Application received April 7, 1997.

**32841321. Keystone Coal Mining Corporation** (P. O. Box 729, Indiana, PA 15701), to renew the permit for the O'Donnell No. 3 bituminous deep mine in Washington Township, **Indiana County**, no additional discharge. Application received April 30, 1997.

*Knox District Office, P. O. Box 669, Knox, PA 16232. Noncoal Applications Received:*

**43910308. Hall's Excavating** (2416 McCartney Road, Cochranon, PA 16314). Transfer of an existing sand and gravel operation in French Creek Township, **Mercer County** affecting 26.9 acres. Receiving streams: Powder Mill Run. Transfer from Wood Gravel Company. Application received May 16, 1997.

**25970306. Raymond D. Showman & Sons, Inc.** (12851 Sharp Road, Edinboro, PA 16412). Commencement, operation and restoration of a sand and gravel operation in LeBoeuf Township, **Erie County** affecting 20.2 acres. Receiving streams: an unnamed tributary to French Creek. Application received May 15, 1997.

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

**7575SM1A1C4. Hempt Bros., Inc.** (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit #PA0594296 in Silver Spring Township, **Cumberland County**. Receiving stream: unnamed tributary to Hogestown Run. Application received May 2, 1997.

**8275SM5C. Martin Limestone Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550), renewal of NPDES Permit #PA0595381 in East Cocalico Township, **Lancaster County**. Receiving stream: Stoney Run to Cocalico Creek to Conestoga Creek. Application received May 5, 1997.

**4975SM5A1C2. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit #PA0612430 in Oxford Township, **Adams County**. Receiving stream: unnamed tributary to South Branch Conewago Creek. Application received May 6, 1997.

**8275SM2A3C. Martin Limestone Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550), renewal of NPDES Permit #PA0593885 in Earl and Ephrata Townships, **Lancaster County**, affecting 130.0 acres. Receiving stream: Conestoga Creek. Application received May 5, 1997.

**48970301. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), commencement, operation and restoration of a quarry operation in Upper Mt. Bethel Township, **Northampton County** affecting 65.6 acres. Receiving stream Jacoby Creek to the Delaware River. Application received May 6, 1997.

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

### ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

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

### Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) 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.

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

**E01-180. Encroachment. Mt. Pleasant Township,** 1016 Beck Road, Gettysburg, PA 17325. To remove the existing structure and to construct and maintain a 16-foot × 5-foot, 2-inch concrete box culvert across Brush Run on Cedar Ridge Road (T-440) located about 0.8 mile north of Brush Run School (McSherrystown, PA Quadrangle N: 18.1 inches; W: 14.1 inches) in Mt. Pleasant Township, **Adams County**.

**E36-634. Encroachment. High Associates, Ltd.,** Thomas Smithgall, 1853 William Penn Way, P. O. Box 10008, Lancaster, PA 17605. To fill 1.65 acres of wetlands and to construct a 1.3 million square feet warehousing and distribution building, a recycling building, a truck dispatch building and associated site improvements on a site located near PA Turnpike Exit 21 and SR 1059 (Terre Hill, PA Quadrangle N: 16.3 inches; W: 9.9 inches) in East Cocalico Township, **Lancaster County**.

**E67-597. Encroachment. Steven Poplaski,** 546 Mountain Road, Dillsburg, PA 17019. To fill a de minimis area of wetlands less than or equal to 0.05 acre for construction of a single family residence on Lot No. 12 located within the Beavertown Heights subdivision (Dillsburg, PA Quadrangle N: 18.0 inches; W: 9.0 inches) in Carroll Township, **York County**.

**E67-598. Encroachment. Chanceford Township,** Clifton Baldwin, Muddy Creek Road, P. O. Box 115,

Brogue, PA 17309. To remove an existing structure and to construct and maintain a 13-foot × 5-foot box culvert on Otter Creek located on Short Cut Road approximately 0.5 mile north of Cannery Road (Safe Harbor, PA Quadrangle N: 2.7 inches; W: 17.2 inches) in Chanceford Township, **York County**.

**E67-599.** Encroachment. **John Rautzahn**, Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To construct and maintain 16-foot span × 6-foot rise cast-in-place concrete box extensions of 16 linear feet onto the upstream end and 17 linear feet onto the downstream end of the existing 16-foot × 16-foot box culvert for widening of SR 0030 from a four-lane to a six-lane highway at Section 001 over Willis Run (West York, PA Quadrangle N: 17.1 inches; W: 2.4 inches) in West Manchester Township, **York County**.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**E02-1191.** Encroachment. **Steel City Env. Services Inc.**, 210 Washington Ave., Dravosburg, PA 15034. To operate and maintain existing barge mooring facility in the Monongahela River (WWF) between River Mile Marker 16.5 and 17.3 (Glassport, PA Quadrangle N: 1.5 inches; W: 1.7 inches) in Dravosburg Borough, **Allegheny County**.

**E02-1192.** Encroachment. **Millvale Borough**, 501 Lincoln Avenue, Millvale, PA 15209. To remove the existing structure and to construct and maintain a 24.3-foot span bridge, 140 feet long with an underclearance of 8.3 feet in Girtys Run (WWF) at the intersection of North Avenue and Klopfer Avenue (Pittsburgh East, PA Quadrangle N: 20.0 inches; W: 13.6 inches) in Millvale Borough, **Allegheny County**.

**E04-245.** Encroachment. **Great Lakes Terminal & Transportation**, P. O. Box 216, Industry, PA 15052. To perform maintenance dredging at existing barge terminal; to expand the existing barge terminal by constructing and maintaining a 25-foot diameter sheet pile cell and two 5-foot 3-inch cells; and to increase width of mooring area from 70 to 110 feet for the purpose of improved safety and efficiency of tank barge operations. The project is located at Mile Marker 33.35 of the Ohio River (WWF) (Midland, PA Quadrangle N: 3.1 inches; W: 5.7 inches) in Industry Borough, **Beaver County**.

**E30-179.** Encroachment. **Columbia Gas Transmission Corp.**, 100 East End Rd., Brownsville, PA 15417-8636. To construct and maintain two ford crossings in Parman Run (WWF) and an unnamed tributary to Parman Run for the purpose of providing access to a regulator set. The project is located on Liberty Avenue 1 mile north from its intersection with West High Street (Waynesburg, PA Quadrangle N: 8.13 inches; W: 9.13 inches) in Franklin Township, **Greene County**.

**E32-385.** Encroachment. **Daniel James Haught**, P. O. Box 56, Rossiter, PA 15772. To maintain existing 254-foot length of fill; to place and maintain bank stabilization for 119 feet; and to widen the channel and remove silt from stream as part of the stabilization. All work is in an unnamed tributary to Canoe Creek (CWF) located approximately 250 feet west of intersection of Central Avenue and Loree Street (Punxsutawney, PA Quadrangle N: 3.60 inches; W: 8.45 inches) in Canoe Township, **Indiana County**.

**E63-433.** Encroachment. **Gustine Washington Assoc. Ltd.**, 2100 Wharton St., Ste. 700, Birmingham Towers, Pittsburgh, PA 15203. To place and maintain fill in 0.35

acre of wetlands (PEM) for the purpose of developing a retail shopping center located at the north corner of Route 19 and Route 79 interchange (Washington East, PA Quadrangle N: 11.6 inches; W: 14.0 inches) in South Strabane Township, **Washington County**.

**E65-668.** Encroachment. **PA DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct and maintain 3 pedestrian bridges over Little Run (HQ-CWF), Indian Creek (HQ-CWF), and an unnamed tributary to Indian Creek (HQ-CWF) for the purpose of connecting a pedestrian trail system located approximately 200 feet upstream from the confluence of Little Run and Indian Creek (Seven Springs, PA Quadrangle N: 24.75 inches; W: 5.55 inches) in Donegal Township, **Westmoreland County**.

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

**E09-752.** Encroachment. **County of Bucks**, Department of Parks and Recreation, 901 East Bridgetown Pike, Langhorne, PA 19047. To construct, operate and maintain a boardwalk trail system throughout a 250 acre parcel of land known as the Silver Lake Nature Center impacting 0.22 acre of wetland (PFO). The site is located approximately 2,000 feet southeast of the intersection of Magnolia Road and Bath Road, (Bristol, PA-NJ Quadrangle, N: 20.9 inches; W: 16.0 inches) in Bristol Township, **Bucks County**.

**E23-358.** Encroachment. **PA DOT**, 200 Radnor Chester Rd., St. Davids, PA 19087. To remove the existing Ridley Creek roadway culvert and to construct and maintain 75 linear feet of 12-foot by 6.5-foot precast reinforced concrete box culvert in and along Broomall's Run (TSF). This culvert is located approximately 175 feet north of the intersection of Ridley Creek Road (SR 4003, Section 28M) and Baltimore Pike (SR 2016) (Media, PA Quadrangle N: 7.65 inches; W: 3.8 inches) in Upper Providence Township, **Delaware County**.

**E46-774.** Encroachment. **Tower Bridge Land Holding Assoc. I**, 1 Tower Bridge, 100 Front Street, Suite 900, West Conshohocken, PA 19428. To extend, operate and maintain an existing stream enclosure located in and along an unnamed tributary to the Schuylkill River, locally known as Aramingo Creek (WWF, MF), and within the 100-year floodway of the Schuylkill River. The purpose of the stream enclosure extension is to provide an access road adjacent to the proposed Four Tower Bridge Office Building and also to provide necessary access to the existing ASTM Building. The total length of the existing stream enclosure is approximately 5,178 linear feet and the size varies along its length. The proposed stream enclosure extension consists of approximately 65 linear feet, 10-foot wide by 10-foot high precast concrete box culvert with concrete endwall attached to the aforementioned existing 8-foot wide by 9.41 foot high stone arch stream enclosure at the downstream terminus. The site is situated along the southern bank of the Schuylkill River, approximately 500 feet northeast from the intersection of Fayette Street and S.R. 23 (Norristown, PA Quadrangle N: 12.6 inches; W: 8.4 inches) in West Conshohocken Borough, **Montgomery County**.

**E23-360.** Encroachment. **Radnor Valley Country Club**, 555 Sproul Road, Villanova, PA 19085. To place and maintain a retaining wall and fill in the assumed floodway of Ithan Creek (CWF, MF) and an unnamed tributary to Ithan Creek for the purpose of regrading greens, tees and bunkers at the Radnor Valley Country



Club Golf Course located at 555 Sproul Road (Norristown, PA Quadrangle N: 4.4 inches; W: 16.0 inches) in Radnor Township, **Delaware County**.

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

**E10-259.** Encroachment. **Pennsylvania Department of Transportation**, District 10-0, P. O. Box 429, Indiana, PA 15701. To remove the existing single span bridge and install and maintain a 2-span, concrete box beam bridge with a new pier. The bridge will have a clear span of 67.78 feet and an average underclearance of 17 feet. This bridge will carry S. R. 288 over Connoquenessing Creek (HQ-WWF). New pier construction will require the construction of a temporary causeway to mid-channel. The project is located on S. R. 288, approximately 3,600 feet west of its intersection with S. R. 19 (Zelienople, PA Quadrangle N: 8.0 inches; W: 3.5 inches) located in Zelienople Borough, **Butler County**.

**E25-486A.** Encroachment. **Springfield Township**, Robert Snow, Supervisor, 13300 Ridge Road, Box 274, West Springfield, PA 16443. To amend DEP Permit No. E25-486 which authorized Springfield Township to construct and maintain five 50-foot long groins extending into Lake Erie at Raccoon Creek Park. The proposed work involves the construction and maintenance of six additional 50-foot long groins extending into Lake Erie to the east of the existing boat ramp at Raccoon Creek Park (East Springfield, PA Quadrangle N: 20.95 inches; W: 14.5 inches) located in Springfield Township, **Erie County**.

**E27-055.** Encroachment. **Pennsylvania Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323-1289. To place 1 foot of concrete 1 foot below the stream bed underneath the existing bridge which crosses an unnamed tributary of Little Hickory Creek (HQ-CWF). This submerged concrete pad will extend from wingwall to wingwall, with additional stream bottom rock inlet and outlet structures extending 5 feet beyond the wingwalls. The total project will disturb approximately 440 square feet of stream bed. The project is located on Little Hickory Road (S. R. 3004) approximately 1,800 feet east of the intersection of Little Hickory Road (S. R. 3004) and Connelly Hill Road (T-326) (West Hickory, PA Quadrangle N: 10.1 inches; W: 3.5 inches) located in Hickory Township, **Forest County**.

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

**Permit No. E40-468.** Encroachment. **Conyngham Township**, Penn Pond Hill Road, Box 1, Mocanaqua, PA 18655. To remove the existing structure and to construct and maintain a road crossing of Turtle Creek (CWF), consisting of a 10.9-foot by 4.25-foot aluminum box culvert. The project is located on Paradise Avenue, approximately 400 feet northeast of the intersection of S. R. 0239 and S. R. 3004 (Shickshinny, PA Quadrangle N: 3.1 inches; W: 1.8 inches), in Conyngham Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

**Permit No. E48-255.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. To place fill in 0.17 acre of wetlands and to construct and maintain a 4-span steel truss bridge across the Lehigh River and Lehigh Canal (WWF) having a span of approximately 1,728 feet and an underclearance of approximately 100 feet and 3 pipe extensions and 1 culvert in tributaries to the Lehigh River (WWF). The project is associated with

S. R. 0033 extension from S. R. 0022 to S. R. 0078 including S. R. 0078 roadway widening (Nazareth, PA Quadrangle N: 3 inches; W: 4 inches) in Bethlehem and Lower Saucon Townships and City of Easton, **Northampton County** (Philadelphia District, Army Corps of Engineers).

#### DAM SAFETY

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

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

**D10-082A.** Dam. **Armco Inc.-Butler Operations** (P. O. Box 832, Butler, PA 16003-0832). To modify, operate and maintain No. 4 Sludge Bed Lagoon located adjacent to Connoquenessing Creek (WWF) (Butler, PA Quadrangle N: 16.4 inches; W: 7.0 inches) in Butler Township, **Butler County**. Modifications will involve implementation of the Closure Plan.

**D10-085A.** Dam. **Armco Inc.-Butler Operations** (P. O. Box 832, Butler, PA 16003-0832). To modify, operate and maintain No. 6 Sludge Bed Lagoon located adjacent to Connoquenessing Creek (WWF) (Butler, PA Quadrangle N: 16.0 inches; W: 7.3 inches) in Butler Township, **Butler County**. Modifications will involve implementation of the Closure Plan.

#### WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

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

**WA2-711B.** Water allocation. **Richland Township Municipal Authority, Allegheny County**. Richland Township Municipal Authority has submitted an application to acquire water rights for an additional source of water supply (two interconnects with Hampton Township Water Authority for emergency use only), Allegheny County.

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

**WA54-13C.** **Schuylkill County Municipal Authority**. David Holley, P. O. Box 960, 221 South Centre St., Pottsville, PA 17901-0960. This proposal involves the addition of portions of Butler, Cass and Foster Townships, all located in **Schuylkill County** (known as the Highridge Business Park Area) to be included in the Authority's existing service area. No change in source of supply, points of taking or increase in allocation above the permitted 6.0 million gallons per day (MGD) is being requested.

Engineer: Alfred Benesch & Company, Joseph J. Matalavage, PE, One Norwegian Plaza, P. O. Box 1090, Pottsville, PA 17901.

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**ACTIONS**


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**FINAL ACTIONS TAKEN UNDER THE  
PENNSYLVANIA CLEAN STREAMS LAW AND THE  
FEDERAL CLEAN WATER ACT**
**[National Pollution Discharge Elimination System  
Program (NPDES)]**
**DISCHARGE OF CONTROLLED INDUSTRIAL  
WASTE AND SEWERAGE WASTEWATER**
**(Part I Permits)**

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

*Northcentral Regional Office, Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES No. PA0009300.** Industrial waste. **Howes Leather Corporation**, P. O. Box 57, Cooper Road, Curwensville, PA 16833. Approval has been granted for discharge from a facility located at Curwensville Borough, **Clearfield County**.

**NPDES No. PA0027324, Amendment No. 1.** Sewerage. **Shamokin-Coal Township Joint Sewer Authority**, R. D. 2, Box 35, Shamokin, PA 17872. Revisions were made to the Part C, Management and Control of Combined Sewer Overflow. Facility is located at Ralpho Township, **Northumberland County**.

**NPDES No. PA 0113361.** Sewerage. **Sandy Township Supervisors**, P. O. Box 267, DuBois, PA 15801. Authorization to discharge from facility located at Sandy Township, **Clearfield County**.

**Permit No. WQM5397401.** Sewerage. **Merrill Godshall**, 432 Lower Road, Souderton, PA 18964. Approval to construct a single family residence treatment facility, at Hector Township, **Potter County**.

**Permit No. WQM4997401.** Sewerage. **Northumberland Sewer Authority**, 100 Water Street, P. O. Box 325,

Northumberland, PA 17857. Applicant was granted approval to construct a sewer extension and pump station to serve the Northumberland Borough, **Northumberland County**.

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

**NPDES Permit No. PA0003425.** Industrial waste, **Ranbar Technology, Inc.**, 1114 William Flynn Highway, Glenshaw, PA 15116-2657 is authorized to discharge from a facility located at Shaler Township, **Allegheny County** to Pine Creek.

**NPDES Permit No. PA0204013.** Industrial waste, **Ashland Petroleum Company**, P. O. Box 391, Ashland, KY 41114 is authorized to discharge from a facility located at Midland Terminal, Industry Borough, **Beaver County** to Ohio River.

**NPDES Permit No. PA0217573.** Industrial waste, **Oxford Development Company**, One Oxford Centre, Suite 4500, Pittsburgh, PA 15219-1489 is authorized to discharge from a facility located at City of Pittsburgh, **Allegheny County** to Allegheny River.

**NPDES Permit No. PA0092487.** Sewerage, **Nino Barsoti**, Star Route Box 351, Mt. Pleasant, PA 15666 is authorized to discharge from a facility located at Nino Barsoti Restaurant STP, Bullsken Township, **Fayette County** to Unnamed Tributary of Jacobs Creek.

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

**Permit No. 0997401.** Sewerage. **Yardley Borough Sewer Authority** (56 South Main Street, Yardley, PA 19067). Construction and modification of pump station located in Yardley Borough, **Bucks County** to serve Delaware Avenue.

**NPDES Permit No. PA0057118.** Industrial waste. **Keystone Ozone Pure Water Company**, P. O. Box 365, 1075 General Sullivan Road, Washington Crossing, PA 18977 is authorized to discharge from a facility located in Lower Makefield Township, **Bucks County** into a Retention Basin to a Dry Swale Tributary to Core Creek.

**NPDES Permit No. PA0054283, Amendment No. 1.** Industrial waste. **Unisys Corporation**, Corporate Environmental Affairs, P. O. Box 203, Paoli, PA 19301 is authorized to discharge from a facility located in East Whiteland Township, **Chester County** into Little Valley Creek.

**NPDES Permit No. PA0030023.** Sewerage. **The Academy of the New Church**, 2815 Huntingdon Pike, Bryn Athyn, PA 19009 is authorized to discharge from a facility located in Bryn Athyn Borough, **Montgomery County** into an unnamed Tributary to Huntingdon Valley Creek.

**NPDES Permit No. PA0054259.** Sewerage. **Wasser Partners**, 404 Main Street, Pennsburg, PA 18073 is authorized to discharge from a facility located in Upper Hanover Township, **Montgomery County** into Macoby Creek Branch.

**INDIVIDUAL PERMITS  
(PAS)**

**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, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G224	J B Brandolini, Inc. 1200 Burning Bush Lane West Chester, PA 19380	East Goshen Twp. Chester County	Ridley Creek
PAS10-D035	David Cutler Group 5 Sentry Parkway West Suite 100 325 Walton Road Blue Bell, PA 19422	Warrington Twp. Bucks County	Tributary to Neshaminy Creek
PAS10-J037	Triology Development Company, Inc. 1514 East Strasberg Road West Chester, PA 19380	Concord Twp. Delaware County	Unnamed Tributary to West Branch Chester Creek

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

**PAS-10-0016.** Individual NPDES. **Middle Creek Bible Conference, Inc.**, 5100 Randolph Road, Rockville, MD 20852. To implement an Erosion and Sedimentation Control Plan for a conference and retreat center on 472 acres in Freedom and Liberty Townships, **Adams County**. The project is located north of the intersection of Water Street and Station Road (Fairfield, PA Quadrangle N: 2 inches; W: 10 inches). Drainage will be to Middle Creek.

**PAS-10-2803.** Individual NPDES. **Texas Eastern Transmission Corp.**, 5444 Westheimer Street, Suite 487, Houston, TX 77056-5310. To implement an Erosion and Sedimentation Control Plan for construction of 24-inch diameter gas pipeline to replace the existing 20-inch diameter pipeline from milepost (MP) 1114.61 to MP

1123.73 on 136 acres in Belfast and Ayr Townships, **Fulton County**. The project is located starting at a point just west of Bark Road in SGL 65 and ends at a point 0.4 mile west of US 522 (Breezewood, PA Quadrangle N: 6.4 inches; W: 11.8 inches and Meadow Grounds, Quadrangle N: 4.27 inches; W: 6.15 inches respectively.) Drainage will be to Sawmill Run and its tributaries, Foster Run, Joes Run and its tributaries, Licking Creek and Roaring Run.

**PAS-10-H065.** Individual NPDES. **Summerdale Enterprises**, 3718 Walnut Street, Harrisburg, PA 17109. To implement an Erosion and Sedimentation Control Plan for a housing development called River Bend on 105.46 acres in East Pennsboro Township, **Cumberland County**. The project is located just north of I-81 about 0.7 mile west of interchange exit 21 (Harrisburg West, PA Quadrangle N: 12.4 inches; W: 3.2 inches). Drainage will be to unnamed tributary to Susquehanna River.

**INDIVIDUAL PERMITS  
(PAR)**

**Approvals to Use NPDES General Permits**

The following parties have submitted Notices of Intent (NOI) for coverage under General NPDES Permits to discharge wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective General Permit.

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

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

List of NPDES General Permits issued by Department of Environmental Protection:

*NPDES  
General  
Permit  
Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities

*NPDES  
General  
Permit  
Type*

PAG-4 General Permit For Discharges From Single Residence Sewage Treatment Plant  
 PAG-5 General Permit For Discharges From Gasoline Contaminated Groundwater Remediation Systems  
 PAG-6 General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

*Facility Location  
County and  
Municipality*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Clarion County Clarion Township	PAR101514	Beneficial Ash Management R. D. 1, Box 455 Morrisdale, PA 16858	Unnamed Tributary Clarion River	DEP, Northwest Region Water Mgt. Program Manager 230 Chestnut St. Meadville, PA 16335- 3481 (814) 332-6942
Bradford Co. Boro of Canton	PAR124805	H. Rockwell & Son P. O. Box 197 Canton, PA 17724	Mill Creek	Northcentral (717) 327-3664
Lycoming Co. Williamsport	PAR804808	Williamsport Bureau of Trans- portation 1500 West Third St. Williamsport, PA 17701	Cemetery Run Susquehanna River	Northcentral (717) 327-3664
Bradford Co. Wysox Twp.	PAR224806	Masonite (International Paper) P. O. Box 311 Towanda, PA 18848	Laning Creek to Susquehanna	Northcentral (717) 327-3664
Lycoming Co. Williamsport	PAR604807	Staiman Brothers Inc. P. O. Box 1235 Williamsport, PA 17703-1235	West Branch of Susquehanna	Northcentral (717) 327-3664
Clinton Co. Pine Creek Twp.	PAR604806	Staiman Brothers Inc. P. O. Box 1235 Williamsport, PA 17703-1235	West Br. Susquehanna	Northcentral (717) 327-3664
Tioga Co. Duncan Twp.	PAR604803	Phoenix Resources Inc. P. O. Box 38 Blossburg, PA 16912	UNT Rock Run to Babb Creek	Northcentral (717) 327-3664
Northumberland Co. Coal Twp.	PAR804805	Adam Deitrick & Sons Disposal 1410 W. Sterling St. Shamokin, PA 17872	Shamokin Creek	Northcentral (717) 327-3664
Columbia Co. Stillwater Boro	PAR224809	Charles D. Roberts Co. P. O. Box 6 Stillwater, PA 17878	Raven Ck. to Fishing Ck.	Northcentral (717) 327-3664
Clearfield Co. Curwensville Boro.	PAR134804	Wickett & Craig of America 120 Cooper Road Curwensville, PA 16833	West Branch Susquehanna River	Northcentral (717) 327-3664
Clearfield Co. Wallaceton Boro	PAR224824	Wallaceton Hardwoods P. O. Box 36 Wallaceton, PA 16876	UNT Laurel Run	Northcentral (717) 327-3664
Columbia Co. Bloomsburg	PAR124806	Ore-Ida Foods 595 West 11th St. Bloomsburg, PA 17815	Susquehanna	Northcentral (717) 327-3664
Columbia Co. Bloomsburg	PAR134801	Magee Carpet Co. 480 West Fifth St. Bloomsburg, PA 17915	Fishing Creek	Northcentral (717) 327-3664
Northumberland Co. Milton Boro	PAR804801	ACF Industries Inc. P. O. Box 109 Milton, PA 17847	W. Br. Susquehanna	Northcentral (717) 327-3664
Northumberland Co. Delaware Twp.	PAR214814	Watson town Brick Co. Inc. P. O. Box 68 Watson town, PA 17777	W. Br. Susquehanna	Northcentral (717) 327-3664

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Northumberland Co. Mt. Carmel Boro.	PAR144804	International Paper P. O. Box 407 Mt. Carmel, PA 17851	Shamokin Ck.	Northcentral (717) 327-3664
Lycoming Co. Williamsport	PAR204824	Coastal Aluminum Rolling Mill 2475 Trenton Avenue Williamsport, PA 17701	Fox Hollow Run	Northcentral (717) 327-3664
Lycoming Co. Jackson Twp.	PAR224826	Wheeland Lumber Co. Inc. R. R. 1, Box 220B Liberty, PA 16930	UNT Blockhouse Ck.	Northcentral (717) 327-3664
Lycoming Co. Clinton Twp.	PAR224802	Koopers Industries Inc. P. O. Box 189 Saeger Plant Montgomery, PA 17752	W. Br. Susquehanna	Northcentral (717) 327-3664
Union Co. Mifflinburg Boro.	PAR224812	Yorktowne Inc. 55 N. Eighth St. Mifflinburg, PA 17844-1003	Buffalo Ck. Rapid Run	Northcentral (717) 327-3664
Lycoming Co. Williamsport	PAR204824	Coastal Aluminum Rolling Mill 2475 Trenton Avenue Williamsport, PA 17701	Fox Hollow Run	Northcentral (717) 327-3664
Lycoming Co. Jackson Twp.	PAR224826	Wheeland Lumber Co. Inc. R. R. 1, Box 220B Liberty, PA 16930	UNT Blockhouse Ck.	Northcentral (717) 327-3664
Franklin Township Beaver County	PAR116109	Emess Lighting, Inc. 1 Early Street Ellwood City, PA 16117	Connoquenessing Creek	Southwest Regional Office: Water Manage- ment Program Man- ager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Schuylkill County Pine Grove Township	PAR502204	Pine Grove Landfill, Inc. P. O. Box 307 Pine Grove, PA 17963	Swatara Creek	Northeast Regional Office Water Manage- ment Program Man- ager 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
Northampton County Lower Mt. Bethel Township	PAR702203	Pennsylvania Power & Light Co. Martins Creek Steam Electric Two North Ninth Street Allentown, PA 18101-1179	Oughoughton Crk.	Northeast Regional Office, Water Manage- ment Program Man- ager 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
Schuylkill County Rush Township	PAR232201	Air Products and Chemicals, Inc. P. O. Box 351 Tamaqua, PA 18252	Neiferts Creek	Northeast Regional Office, Water Management Program Manager 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
Northumberland Co. Shamokin Twp.	PAG044935	Corbett Shaffer R. R. 1, Box 197 Paxinos, PA 17860	UNT Shamokin Ck.	Northcentral (717) 327-3664
Snyder Co. Washington Twp.	PAG044937	Richard Moore 210 West 70th St., No. 911 New York, NY 10023	Dry Run	Northcentral (717) 327-3664

*Facility Location  
County and  
Municipality*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Bradford Co. Troy Twp.	PAG044940	Burt L. Cleveland R. R. 2, Box 34 Troy, PA 16947	UNT Sugar Ck.	Northcentral (717) 327-3664
York County Manchester Township	PAG043571	Shawn Campbell 15 Old Mill Inn Road York, PA 17404	Little Conewago Crk.	SCRO
Cumberland County	PAG043572	John A. Romanchock 2810 NE 276th Ave. Camas, WA 98607	UNT to Locust Crk.	
Northumberland Co. Shamokin Twp.	PAG064801	City of Shamokin 47 E. Lincoln Street P. O. Box Q Shamokin, PA 17872	CSO	Northcentral (717) 327-3664
Northumberland Co. Coal Twp.	PAG064802	Township of Coal 805 W. Lynn Street Coal Township, PA 17866-1900	CSO	Northcentral (717) 327-3664

## SEWAGE FACILITIES ACT

### PLAN APPROVAL

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

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

Location: **Oley Township, Berks County**, P. O. Box 19, Oley, PA 17547.

The approved plan provided for upgrade and expansion of an existing wastewater treatment plant. The sewage treatment plant will treat .35 mgd and use sequencing batch reactor technology. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

#### **Plan revision approval granted May 15, 1997 under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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

Location: **Middlesex Township, Cumberland County**, 350 North Middlesex Road, Carlisle, PA 17013.

The approved plan revision (Edward J. Noyes, DEP Code No. A3-21915-144-3S) provides for the installation of an individual residence sewage treatment plant on a 13.6 acre lot with discharge to an unnamed tributary of Conodoguinet Creek. The project is located about 1/4 mile south of SR 0944, west of T-636 and north of T-503.

Required NPDES Permits or WQM permits must be obtained in the name of the responsible entity.

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

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.*

#### **Melroe's Restaurant Salem Township, Luzerne County.**

This project will involve an existing commercial restaurant on an approved building lot. Wastewater flows of 3,000 GPD will be collected and disposed of by a new wastewater treatment facility with a stream discharge. The location of this project is on S. R. 0011 (R. R. 1, Box 170) in Salem Township, Luzerne County, PA.

This treatment plant will discharge to a small unnamed tributary that flows into the Susquehanna River. Acceptance of this revision is conceptual. It leaves to be addressed at a later date both (1) the effluent limitations necessary to protect public health, and (2) specific treatment technology.

The property owner agrees that the treatment facility shall be an interim for sewage disposal. If a public sewage system should become available to the property, the owner agrees to abandon the treatment facility and connect to the public sewer system.

## SAFE DRINKING WATER

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

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

**Permit No. 0997501.** Public water supply. **Keystone Ozone Pure Water Company**, John Henry, 1075 General Sullivan Road, Washington Crossing, PA 18977. To construct a public water supply for the Keystone Ozone Pure Water Company (bottled water plant). The water supply will consist of two 200 gpm wells and a 15,000 gallon stainless steel storage tank, in Lower Makefield Township, **Bucks County**.

Type of Facility: Water Supply System

Consulting Engineer: Ralph E. Sundstrom, 39 Lakeside Drive, Levittown, PA 19054.

Permit to Construct Issued: May 14, 1997.

**Permit No. 1597502.** Public water supply. **City of Coatesville Authority**, 114 East Lincoln Highway, Coatesville, PA 19320. The applicant has been issued a permit for the installation of a corrosion control station that will feed the Borough of Quarryville in Colerain Township, **Lancaster County**; West Caln Township, **Chester County**.

Type of Facility: Corrosion Control Station

Consulting Engineer: Brian P. MacEwen, P.E., 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320.

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

**4089529.** Public water supply. **Pellam Terrace Mobile Home Court No. 1**, David J. Pellam, R. R. 2, Box 270, Harveys Lake, PA 18618. This proposal involves the modification of an existing public water supply serving a mobile home park. The system includes one well, storage, chlorination and distribution system. It is located in Dallas Township, **Luzerne County**. Permit issued May 19, 1997.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

**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.*

**Med-Trac, Inc.**, 715 William Pitt Way, Pittsburgh, PA 15238; License No. **PA-AH 0561**; license issued May 9, 1997.

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

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

**M&M Chemical & Equipment Co., Inc.**, 1229 Valley Drive, Attalla, AL 35954; License No. **PA-AH 0163**; license issued May 9, 1997.

**Hafer Environmental Services, Inc.**, P. O. Box 4418, Reading, PA 19606; License No. **PA-AH 0360**; renewal license issued May 9, 1997.

**Teledyne Environmental, Inc.**, 50 Van Buren Avenue, Westwood, NJ 07675; License No. **PA-AH S162**; renewal license issued May 9, 1997.

**Triad Transport, Inc.**, P. O. Box 818, McAlester, OK 74501; License No. **PA-AH 0392**; renewal license issued May 7, 1997.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 603285. Sylvan Stoltzfus Farm, Bio Gro Division** (180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). Application for operation of an agricultural utilization of sewage sludge site in Salisbury Township, **Lancaster County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603451. Meadow View Farms, Jim's Septic Service Inc.** (R. R. 3, Box 362, Palmyra, PA 17078-9731). Application for operation of an agricultural utilization of sewage sludge site in South Londonderry Township, **Lebanon County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603285. Peifer Brothers Farm, Wheelbrator Water Technologies** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification of an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603285. Levi Lapp Farm, Wheelbrator Water Technologies** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Little Britain Township, **Lancaster County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603285. Kelcher Farm, Wheelbrator Water Technologies** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley and Pike Townships, **Berks County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603225. Wrightsville Farm, #1, Wrightsville Borough Municipal Authority** (129 South Second Street, Wrightsville, PA 17368-1301). Application for operation of an agricultural utilization of sewage sludge site in Chanceford Township, **York County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603285. Omar Zook Farm, Wheelbrator Water Technologies** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603285. Harold Hetrick Farm, Wheelbrator Water Technologies** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603454. Carl Peachey Farm, Richard Royer** (149A Maitland Road, Lewistown, PA 17044). Application for operation of an agricultural utilization of sewage sludge site in Decatur Township, **Mifflin County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603285. Charles Wagner Farm, Wheelbrator Water Technologies** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification for an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603441. McKeehan Farm-Mooreedale Farm, Borough of Carlisle** (53 West South Street, Carlisle, PA 17013). Application for operation of an agricultural utilization of sewage sludge site in Dickinson Township, **Cumberland County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603441. McKeehan Farm-Spring Farm, Borough of Carlisle** (53 West South Street, Carlisle, PA 17013). Application for operation of an agricultural utilization of sewage sludge site in Dickinson Township, **Cumberland County**. Permit issued in the Regional Office May 22, 1997.

**Permit No. 603339. Weyer Farm, Browning-Ferris, Inc., d/b/a/ BFI Organics** (1 Briar Lane, West Grove, PA 19390). Application for modification for addition of an agricultural utilization of sewage sludge site in Perry Township, **Berks County**. Permit issued in the Regional Office May 21, 1997.

**Permit No. 603389. Tuttle Farm, Browning Ferris, Inc.** (1 Briar Lane, West Grove, PA 19390). Application for modification for addition of an agricultural utilization of sewage sludge site in Oley Township, **Berks County**. Permit issued in the Regional Office on May 21, 1997.

**Permit No. 603404. Troop Farm, Browning Ferris, Inc., d/b/a BFI Organics** (1 Briar Lane, West Grove, PA 19390). Application for modification for addition of an agricultural utilization of sewage sludge site in East Drumore and Colerain Townships, **Berks County**. Permit issued in the Regional Office May 21, 1997.

**Permit No. 603418. Rutt Farm, Browning Ferris, Inc.** (1 Briar Lane, West Grove, PA 19390). Application for modification for addition of an agricultural utilization of sewage sludge site in East Drumore, Eden and Colerain Townships, **Berks County**. Permit issued in the Regional Office May 21, 1997.

**Permit No. 301161. Simpson Paper Company** (1201 Third Avenue, Seattle, WA 98101-3045). Application for closure of a residual waste land application closure site in Union Township, **Berks County**. Permit issued in the Regional Office May 21, 1997.

**Permit No. 603435. Coates Farm, Bolton Farm and Sinclair Farms, City of Philadelphia Water Department** (1101 Market Street, ARA Tower, 4th Street, Philadelphia, PA 19107). Application for operation of three agricultural utilization of sewage sludge sites in Little Britain and Drumore Townships, **Lancaster County**. Permit issued in the Regional Office May 22, 1997.

*Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701 (717) 327-3653.*

**Permit No. 300717. Pine Hill Landfill and Reclamation Operation, Pine Hill, Inc.** (P. O. Box 62, Blossburg, PA 16912-0062). Permit for construction and operation of Class III, residual waste landfill located in Ward Township, **Tioga County** issued in the Regional Office on May 19, 1997.

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481 (814) 332-6848.*

**Permit No. 100585. Waste Management Disposal Services of Pennsylvania, Inc.** (Northwest Sanitary Landfill), 1436 West Sunbury Road, West Sunbury, PA 16061. Major permit modification application for the revision of the landfill's approved groundwater monitoring plan to place three of the monitoring wells on inactive status. The landfill is located in Clay Township, **Butler County**. Permit modification issued in the Regional Office on May 27, 1997.

## AIR POLLUTION

### OPERATING PERMITS

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

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

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

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-308-012B**  
Source: Lead Melting Furnaces  
Company: **G N B Batteries Incorporated**  
Location: Dunmore Borough  
County: **Lackawanna**

Permit: **35-318-070A**  
Source: Paint Lines #1, 2, 3 w/Filters  
Company: **Suckle Corporation**  
Location: City of Scranton  
County: **Lackawanna**

Permit: **40-000-002**  
Source: Natural Gas Compressor Station  
Company: **Transcontinental Gas Pipeline Co.**  
Location: Bear Creek Township  
County: **Luzerne**

Permit: **45-323-002G**  
Source: Pyrolysis Oven w/Afterburner  
Company: **United Steel Products Company**  
Location: East Stroudsburg Borough  
County: **Monroe**

Permit: **48-304-016B**  
Source: Foundry Operations w/7 Baghouses  
Company: **Victaulic Company of America**  
Location: Forks Township  
County: **Northampton**

### PLAN APPROVALS

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

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



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

Permit: **39-312-044**

Source: Truck Unload Rack w/Carbon System

Issued: May 15, 1997

Company: **Mobile Oil Corporation**

Location: City of Allentown

County: **Lehigh**

Permit: **40-309-034A**

Source: Plantwide Applicability Limit/PAL

Issued: May 1, 1997

Company: **Techneglas Incorporated**

Location: Jenkins Township

County: **Luzerne**

Permit: **40-310-040**

Source: Sand and Gravel Plant w/Crushers

Issued: May 5, 1997

Company: **Barletta Materials and Construction**

Location: Nescopeck Township

County: **Luzerne**

Permit: **48-310-029**

Source: Stone Crushing Plant/Water Sprays

Issued: May 12, 1997

Company: **Eastern Industries Incorporated**

Location: Lower Nazareth Township

County: **Northampton**

Permit: **48-317-017**

Source: Baking Oven w/Catalytic Oxidizer

Issued: May 9, 1997

Company: **Maiers Bakery Company**

Location: Palmer Township

County: **Northampton**

## MINING

### CONDUCT COAL AND NONCOAL ACTIVITIES

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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 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).

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Issued:*

**59660101. Fritz Coal, Inc.** (R. D. 3, Box 109, Stoystown, PA 15563), commencement, operation and restoration of a bituminous strip-auger mine in Quemahoning Township, **Somerset County**, affecting 112.0 acres. Receiving stream: unnamed tributary to Stony Creek River and Stony Creek River and unnamed tributary to Beaverdam Creek. Application received January 10, 1996, permit issued May 19, 1997.

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

**33940103. Maud Mining Company** (P. O. Box 729, Indiana, PA 15701) Renewal of an existing bituminous strip and auger operation in Knox Township, **Jefferson County** affecting 173.0 acres. Receiving streams: Unnamed tributaries of Sandy Lick Creek and unnamed tributaries of Camp Run and Camp Run and Sandy Lick Creek. Application received March 26, 1997. Permit issued May 19, 1997.

**102119-33890113-E-6. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Application for a stream encroachment to construct and maintain a temporary haul road crossing over Pine Run in Perry Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Pine Run. Application received February 24, 1997. Permit issued May 19, 1997.

**33860108. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701) Renewal of an existing bituminous strip operation in Winslow Township, **Jefferson County** affecting 46.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to Trout Run and unnamed tributary to Sandy Lick Creek and Sandy Lick Creek. Application received March 10, 1997. Permit issued May 16, 1997.

**16830017. Dunamis Resources, Inc.** (One Energy Plaza, Suite 4000, Latrobe, PA 15650-9628). Transfer of an existing bituminous strip and tippel refuse disposal operation in Perry and Toby Townships, **Clarion County** affecting 124.0 acres. This permit is transferred from Crispin Contracting, Inc. Receiving streams: Unnamed tributary to Fiddlers Run and Unnamed tributary to Black Fox Run. Application received March 12, 1997. Permit issued May 16, 1997.

*McMurray District Office, 3913 Washington Road, McMurray, PA*

**03841601. Rosebud Mining Company** (R. D. 1, Box 379A, Kittanning, PA 16201), to renew the permit for the Bostonia Prep Plant in Perry Township, **Armstrong County**, no additional discharge. Permit issued May 21, 1997.

**30841316. Consol Pennsylvania Coal Company** (P. O. Box 174, Graysville, PA 15337), to revise the permit for the Bailey Bituminous Deep Mine in Richhill Township, **Greene County** to add Majorsville Air Shaft and three boreholes, no additional discharge. Permit issued May 19, 1997.

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

**54950101. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965), commencement, operation and restoration of an anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 246.0 acres. Receiving stream—none. Permit issued May 23, 1997.

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

*General Small Noncoal Authorizations Granted*

**58970804. Terry Hunsinger** (R. R. 1, Box 89B, Laceyville, PA 18623), commencement, operation and restoration of a small bluestone quarry operation in Rush Township, **Susquehanna County** affecting 2.0 acres. Receiving stream—none. Authorization granted May 22, 1997.

**58970810. Darwin R. Greene** (R. R. 3, Box 181, Susquehanna, PA 18847), commencement, operation and

restoration of a small bluestone quarry operation in Harford Township, **Susquehanna County** affecting 2.0 acres. Receiving stream—none. Authorization granted May 22, 1997.

## **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457 (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate status provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E01-177.** Encroachment. **John Rautzahn**, PA Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a precast concrete box culvert having a normal span of 18 feet and a minimum underclearance of 5 feet and to fill a de minimus area of wetlands less than or equal to 0.05 acre associated with the structure located on SR 0094, Segment 0300, Offset 2629 over an unnamed tributary to Latimore Creek (Mount Holly Springs, PA Quadrangle N: 4.9 inches; W: 1.1 inches) in Huntingdon Township, **Adams County**. This permit also includes 401 Water Quality Certification.

**E01-178.** Encroachment. **John Rautzahn**, PA Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a precast concrete box culvert having a clear centerline span of 17 feet, 4.5 inches on a 67 degree skew with a minimum

underclearance of 6 feet, 6 inches on SR 0094, Segment 0320, Offset 0081 over an unnamed tributary to Latimore Creek (Mount Holly Springs, PA Quadrangle N: 5.8 inches; W: 1.9 inches) in Huntingdon Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-587.** Encroachment. **John Rautzahn**, PA Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a 16-foot wide by 4-foot high precast box culvert over Tributary No. 1 to Barshinger Creek over SR 2085 (SEG 0030, Offset 0008) for highway improvements (Glen Rock, PA Quadrangle N: 21.87 inches; W: 1.07 inches) in North Hopewell and York Townships, **York County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-588.** Encroachment. **John Rautzahn**, PA Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a reinforced concrete frame culvert having a normal span of 18 feet and a minimum underclearance of 4 feet, 5 inches at a 65 degree skew over an unnamed tributary to the Susquehanna River on SR 0262, Segment 0230, Offset 0000 (Steelton, PA Quadrangle N: 3.0 inches; W: 0.1 inch) in Newberry Township, **York County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-589.** Encroachment. **John Rautzahn**, PA Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a prestressed concrete spread box beam bridge with a normal span of 36 feet, 3.5 inches and a minimum underclearance of 9 feet, 2 inches over Fishing Creek on SR 0262, Segment 0220, Offset 0000 (Middletown, PA Quadrangle N: 4.5 inches; W: 17.4 inches) in the Borough of Goldsboro, **York County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 W. Third Street, Williamsport, PA 17701.*

**Permit No. E59-319.** Encroachment. **Pine Hill, Inc.**, P. O. Box 62, Blossburg, PA 16912-0062. To place and maintain fill in a 0.02 acre isolated palustrine emergent wetland in order to construct a proposed disposal area as part of an existing residual waste landfill. The project will result in de minimus wetland impacts of less than 0.05 acre and therefore, replacement will not be required. The project is located approximately 1.2 miles east of the Village of Morris Run (Gleason, PA Quadrangle N: 9.0 inches; W: 16.6 inches) in Ward Township, **Tioga County**.

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

**E10-249.** Encroachment. **Mark Cozad**, 407 Woodcock Drive, Cranberry Township, PA 16066. To remove the existing culverts and to construct and maintain a 100-foot long, 25-foot wide by 10-foot, 10-inch high multi-plate open bottom arch culvert in a tributary to Brush Creek and to fill 0.095 acre of wetland for the construction of Linden Court, the access road to Cedarbrook Residential Development north of Glen Eden Road (S. R. 3024)

approximately 1.5 miles west of S. R. 19 (Baden, PA Quadrangle N: 17.8 inches; W: 1.1 inches) located in Cranberry Township, **Butler County**.

**E10-258.** Encroachment. **Butler County Commissioners**, P. O. Box 1028, Butler, PA 16003-1208. To remove the existing Farrington Bridge (County No. 3) and to construct and maintain a steel girder bridge having a clear normal span of 21 feet and a maximum underclearance of 6 feet across Fowler Run on Allegheny Church Road (T-542) approximately 300 feet south of S. R. 58 (Emlenton, PA Quadrangle N: 1.7 inches; W: 10.2 inches) located Allegheny Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E24-197.** Encroachment. **Borough of Ridgway** P. O. Box 149, 108 Main Street, Ridgway, PA 15853. To perform periodic removal of accumulated debris and sediment and to repair and maintain existing bank protection along a 2,100 foot reach of Gallagher Run beginning at its mouth near Mill Street and extending upstream to Depot Street (S. R. 120) (Ridgway, PA Quadrangle N: 8.8 inches; W: 14.5 inches) located in the Borough of Ridgway, **Elk County**.

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

**Permit No. E48-243.** Encroachment. **Liberty Property Limited Partnership**, 1510 Valley Center Parkway, Bethlehem, PA 18017. To construct and maintain a concrete solid fill dock having a surface area of approximately 400 S. F. in the reservoir of Dam. No D48-152 situated across a tributary to Monocacy Creek. The purpose of the structure is to provide a recreational patio for tenants of a proposed office building. The project is located on Lot 6 in Lehigh Valley Corporate Center, approximately 0.5 mile northeast of the intersection of S. R. 0022 and S. R. 3017 (Catasauqua, PA Quadrangle N: 5.2 inches; W: 4.3 inches) in Hanover Township, **Northampton County**.

**Permit No. E64-176.** Encroachment. **William Britton**, 22 Merrywood Lane, Short Hills, NJ 07078. To repair and maintain an existing 20-foot x 24-foot boathouse on Lake Ariel with repairs consisting of replacement of a 10-foot section of concrete footing and Two I-beams. This project is located along East Shore Drive approximately 0.5 mile east of S. R. 0191/S. R. 0296 (Lake Ariel, PA Quadrangle N: 13.6 inches; W: 0.3 inch) in Lake Township, **Wayne County**.

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

**Permit No. E02-919.** Encroachment. **Tri-State River Products, Inc.**, P. O. Box 218, Beaver, PA 15009. To renew Permit E02-919 to perform commercial sand and gravel dredging in the Ohio River from Mile Point 7 to Mile Point 7.4, from Mile Point 12.0 to Mile Point 12.6, from Mile Point 13.5 to Mile Point 13.6, from Mile Point 13.85 to Mile Point 14.0 and from Mile Point 14.4 to Mile Point 15.25 in the Boroughs of Edgeworth, Emsworth, Leetsdale and Sewickley and the Townships of Crescent, Kilbuck, Moon and Neville in **Allegheny County**.

**Permit No. E02-1190.** Encroachment. **Evolutionary Management**, 6738 Reynolds Street, Pittsburgh, PA 15206. To construct and maintain a two level deck for a restaurant located on the south bank of Herrs Island near River Mile 2.4 (Pittsburgh East PA Quadrangle N: 16.0 inches; W: 14.1 inches) in the City of Pittsburgh, **Allegheny County**.

**Permit No. E04-184.** Encroachment. **Tri-State River Products**, P. O. Box 218, Beaver, PA 15009. To amend Permit E04-184 and to include Permit E04-180 and to renew both permits to perform commercial sand and gravel dredging in the Ohio River from Mile Point 16.0 to M. P. 16.6, from M. P. 17.0 to 17.1, from M. P. 17.6 to M. P. 18.3, from M. P. 19.8 to M. P. 19.9, from M. P. 20.6 to M. P. 21.2, from M. P. 21.75 to M. P. 22.8, from M. P. 23.2 to M. P. 23.6 from m. p 24.5 to m. P. 24.65, from m. P. 24.8 to M. P. 25.1, from M. P. 26.2 to M. P. 27.8, from M. P. 29.8 to M. P. 31.4, from M. P. 32.0 to M. P. 33.3, from M. P. 33.75 to M. P. 34.3 from M. P. 35.0 to M. P. 36.1 and from M. P. 36.3 to M. P. 39.5 in the City of Aliquippa, the Boroughs of Ambridge, Baden, Beaver, Conway, East Rochester, Economy, Freedom, Gettstown, Glasgow, Industry, Midland, Monaca, Ohioville, Rochester and Shippingport, and the Townships of Center, Greene, Harmony, Hopewell, Potter, Raccoon and Vanport in **Beaver County**.

**Permit No. E04-240.** Encroachment. **Beaver Falls Municipal Authority**, 1425 Eight Avenue, P. O. Box 400, Beaver Falls, PA 15010. To construct and maintain an intake structure with necessary appurtenances to improve intake capability and to construct and maintain a backwash water tank and a riprap outlet channel to improve discharge to the Beaver River, located at the Eastvale Water Treatment Plant (Beaver Falls, PA Quadrangle N: 2.3 inches; W: 8.9 inches) in Daugherty Township and Eastvale Borough, **Beaver County**.

**Permit No. E30-176.** Encroachment. **Scott R. Cole**, 45 Crabapple Dr., Waynesburg, PA 15370. To construct and maintain a 10-foot long, 7-foot x 3-foot box culvert (low flow crossing) in Roberts Run (WWF) for the purpose of access to the permittee's property located off T-318 approximately 65 feet north of the intersection of S. R. 218 and T-318 (Oak Forest, PA Quadrangle N: 5.6 inches; W: 12.8 inches) in Wayne Township, **Greene County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**Permit No. E63-423.** Encroachment. **PA Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a new three span bridge having a total span of 421.5 feet with a minimum underclearance of 36.3 feet across McPherson Creek (WWF), and to remove debris from the channel of said stream for a distance of approximately 202.5 feet, from STA 1+07.5 to STA 3+10. The bridge is located on SR 0079 at the intersection of SR 0079 and Cecil/Henderson Road (Canonsburg, PA Quadrangle N: 9.9 inches; W: 5.1 inches) in Cecil Township, **Washington County**.

#### ENVIRONMENTAL ASSESSMENT

#### Environmental Assessment Approvals and Actions on 401 Certification

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

**EA16-001C0.** Environmental Assessment. **Karen McClelland** (GPU Generation, Inc., 1001 Broad Street, Johnstown, PA 15907) To construct a temporary cofferdam consisting of river rock covered with grouted geotextile in the Clarion River (CWF) immediately below Piney Dam. The temporary cofferdam will be approximately 300 feet long by 14 feet high and is needed to dewater the downstream tow of the dam to facilitate repairs and

restoration work to the dam (Clarion, PA Quadrangle N: 12.1 inches; W: 8.2 inches) in Piney and Paint Townships, **Clarion County**.

[Pa.B. Doc. No. 97-910. Filed for public inspection June 6, 1997, 9:00 a.m.]

## Availability of Technical Guidance

### *Governor's Office List*

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The next publication of this list will be in the August 2, 1997, *Pennsylvania Bulletin*.

### *DEP's Technical Guidance Document Inventory*

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The June 1997 edition of the Inventory will soon be available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance Document/Basic Inventory.

Bound paper copies of the June 1997 Inventory will become available in July for those who do not have access to the Web site. DEP automatically mails a paper copy of the June 1997 Inventory to persons who received a bound paper copy of the December 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

### *DEP's Technical Guidance Documents on the World Wide Web*

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

### *Help Protect the Environment: Use the Web and Save Trees*

DEP encourages members of the public who read these announcements in the *Pennsylvania Bulletin* and DEP's *UPDATE* and who have access to the World Wide Web to avoid the needless duplication of paper copies of DEP's technical guidance documents. Persons can download those DEP documents which are posted on DEP's Web site onto their computers and read them electronically. This method saves both paper and money.

### *Ordering Paper Copies of DEP Technical Guidance*

Although DEP promotes the use of electronic copies of its technical guidance rather than paper copies, there are

still reasons for DEP to continue to provide members of the public with paper copies: 1) It may be more convenient to use some documents in a paper form, 2) Not everyone has access to the World Wide Web and 3) Not all DEP documents are on DEP's Web site yet. Persons can order an unbound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

### *Final Technical Guidance—New Guidance*

DEP ID: 362-2206-007 Title: Policy Establishing New Program Direction for Act 537 Comprehensive Planning Description: DEP will help rural municipalities and their consultants find practical, affordable solutions to their existing and newly discovered sewage problems that will protect public health and the environment, and will assist them in finding the funding necessary to implement these solutions. Page Length: 3 pages Location: Volume 34, Tab 14A Contact: Cynthia Tyree at (717) 787-4317.

### *Final Technical Guidance—Revision to Existing Guidance*

DEP ID: 562-2112-503 Title: Bituminous Coal Surface Mining/Blasting near Utilities and Pipelines Description: This document clarifies permitting procedures and safety guidelines which bituminous surface mine operators should follow to insure the protection of utilities and pipelines. Page Length: 3 pages Location: Volume 12, Tab 34 Contact: Dottie Shellehamer at (717) 787-5103.

### *Final Technical Guidance—Minor Revision*

DEP ID: 562-3000-110 Title: Applicant Violator System (AVS) Inspections Description: DEP conducts on-site inspections of active mine sites that are either producing coal, or are capable of producing coal, to verify that information submitted by the applicant for permit issuance remains valid. Page Length: 3 pages Location: Volume 12, Tab 6 Contact: Dottie Shellehamer at (717) 787-5103.

### *Draft Technical Guidance*

DEP ID: 391-2000-030 Title: Comprehensive State Groundwater Protection Program (CSGWPP) Background: This guidance defines the Pennsylvania Comprehensive State Groundwater Protection Program. It is a State-EPA initiative which provides a mechanism whereby States and EPA can work together to develop a comprehensive and consistent Statewide approach to protecting the State's groundwater resources. It is a cross-program effort which focuses on pollution prevention. Review and Development Process: The following DEP programs had input

to development of this document through the CSGWPP Work Group: Bureaus of Watershed Conservation, Land Recycling and Waste Management, Water Quality Protection, Water Supply Management, Laboratories, Oil and Gas Management, Mining and Reclamation, and the Environmental Cleanup Program. DCONR input to the Work Group was provided by the Bureau of Topographic and Geologic Survey. Other State departments with input were Agriculture, Transportation, Community and Economic Development and the Game Commission. Federal input and comment were solicited from United States Environmental Protection Agency, United States Geological Survey, United States Fish and Wildlife Service, Office of Services, Department of Defense and Federal Highway Administration. Additional input was requested from the Ohio River Valley Sanitation Commission, Delaware River Basin Commission, Interstate Oil and Gas Commission, Interstate Commission on the Potomac River Basin, Chesapeake Bay Program and the Susquehanna River Basin Commission. The draft document is now being made available for public comment. Deadline for submittal of comments: July 7, 1997 Contact: James T. Ulanoski at (717) 787-9637.

*Notice of Intent to Add and Revise Technical Guidance*

Draft Title: Critical Elements for Certification of Laboratories for Radionuclides Background: This document is being added to the Inventory and it is being revised. It is an existing document that has never been listed on the Inventory before. This document provides conditions for obtaining or maintaining drinking water laboratory certification in the area of radionuclides analysis. It is based on EPA's Manual for the Certification of Laboratories Analyzing Drinking Water. Anticipated Effective Date: September 1, 1997. Anticipated Draft Development Date: June 15, 1997. Proposed Development and Review Process: The draft will be distributed for review within DEP, including drinking water program staff and program counsel. The availability of the draft will be announced in the *Pennsylvania Bulletin* and in DEP's *UPDATE* for public review and comment. Contact: Ted Lyter at (717) 783-7150.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-911. Filed for public inspection June 6, 1997, 9:00 a.m.]

**Pennsylvania Wetland Replacement Project; Public Notice**

**0-18-D11-001.** Wetland Restoration Project. The Division of Waterways, Wetlands and Erosion Control, in cooperation with Joseph Emerick, the Natural Resource Conservation Service, and the Cambria County Conservation District, proposes to restore 1 acre of wetland, approximately 5,000 feet north of where T-478 crosses Williams Run (Colver Quadrangle, N: 4.7 inches; W: 2.8 inches) in Cambria Township, **Cambria County**.

The goal of the Bear Hollow Farm wetland project is to create a mosaic of aquatic habitat by restoring emergent wetland habitat adjacent to two existing ponds. Bear Hollow Farm will be the Environmental Education Center

for Cambria County and will be used by more than 200 students a year. The 1 acre restoration area is in the Lower Allegheny River basin where 1.3 acres of wetland impact has been reported. The restoration area is vegetated by old field grasses and goldenrods and bordered by two ponds and upland forest. Over 75% of the site will have water less than 6 inches in depth. The site will be stabilized and allowed to stand for 1 year before determining what additional plantings are required.

For further information contact: Department of Environmental Protection, Bureau of Water Quality Protection, Division of Waterways, Wetlands and Erosion Control, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-6827.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-912. Filed for public inspection June 6, 1997, 9:00 a.m.]

**Pennsylvania Wetland Replacement Project; Public Notice**

**S-05C-19-1.** Wetland restoration project. The Division of Waterways, Wetlands and Erosion Control, in cooperation with Richard Wenner, Natural Resource Conservation Service and the Fishing Creek Rod & Gun Club, proposes to restore 1.5 acres of wetland, approximately 2,000 feet south of the intersection of SR1022, and T764 (Stillwater, PA Quadrangle, N:27 inches; W:10.7 inches) in Fishing Creek Township, **Columbia County**.

The primary goal of the Wenner wetland restoration project is to provide waterfowl and wading bird habitat using shallow water and emergent areas for food. Restoration on this prior converted cropland, dominated by old field vegetation including Queen Anne's Lace and goldenrods, will provide 1.5 acres of wetland habitat in the Upper Central Susquehanna Subbasin. To date there has been approximately 1.2 acres of impact in the subbasin. Upon completion approximately 60% of the site will have standing water between 4 and 18 inches in depth. On 10% of the site (adjacent to the berm), the water will be greater than 18 inches and on the remaining 30% of the site the water will be less than 4 inches in depth. The restoration area is bounded by silky dogwood dominated scrub-shrub wetlands on one side. As part of the Erosion and Sedimentation Control plan, the restoration area will be seeded and stabilized. The site will stand for 1 year before determining if extra planting will be required, or if the adjacent wetland has provided any volunteer species. The berms will serve as resting areas.

For further information contact: Department of Environmental Protection, Bureau of Water Quality Protection, Division of Waterways, Wetlands and Erosion Control, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554. Telephone: (717) 787-6827.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-913. Filed for public inspection June 6, 1997, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Realty Transfer Tax; 1996 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 1996. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 1997 to June 30, 1998, except as indicated below. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. 61 Pa. Code § 91.102.

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Adams	2.45	Elk	5.26	Montour	9.80
Allegheny	4.88	Erie	11.49	Northampton	1.79
**Armstrong	2.00	Fayette	8.48	Northumberland	14.49
Beaver	2.45	Forest	3.12	***Perry	6.73
Bedford	10.20	Franklin	13.51	Philadelphia	3.30
Berks	1.00	Fulton	4.81	Pike	3.30
Blair	8.00	Greene	3.12	Potter	7.41
Bradford	2.21	Huntingdon	4.53	**Schuylkill	2.00
Bucks	20.41	Indiana	9.01	*Snyder	5.38
Butler	7.25	Jefferson	4.72	Somerset	9.17
Cambria	5.50	Juniata	6.58	Sullivan	2.81
Cameron	2.38	Lackawanna	4.83	Susquehanna	1.91
Carbon	11.49	**Lancaster	1.00	Tioga	2.71
Centre	2.09	Lawrence	6.25	Union	4.88
Chester	16.13	Lebanon	10.64	Venango	4.53
Clarion	9.09	Lehigh	1.89	Warren	2.22
Clearfield	4.39	Luzerne	13.51	Washington	4.53
Clinton	2.99	Lycoming	1.86	Wayne	10.53
Columbia	2.57	McKean	6.33	Westmoreland	3.51
Crawford	2.17	Mercer	8.33	****Wyoming	3.28
Cumberland	14.29	Mifflin	7.19	York	1.44
Dauphin	1.73	Monroe	4.29		
Delaware	31.25	Montgomery	18.87		

\* Adjusted by the Department of Revenue to reflect assessment ratio change effective August 1, 1996.

\*\* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 1997.

\*\*\* Adjusted by the Department of Revenue to reflect assessment ratio change effective February 24, 1997.

\*\*\*\* Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 1997.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 97-914. Filed for public inspection June 6, 1997, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

#### Allegheny, Beaver and Lawrence Counties

#### Project Reference No. 08430AG2079

The Department of Transportation will retain an engineering firm to perform routine NBIS bridge inspections for 17 fracture critical State-owned bridges in Engineering District 11-0, that is Allegheny, Beaver and Lawrence Counties. These bridges include 14 Steel (2 or 3 girder), 2 Tied Arch and 1 Arch Truss Structures. The structure lengths range from 369 feet to 4,544 feet.

The selected firm will be required to provide two NBIS inspections and two FCM inspections for each bridge over a 4 year period. The firm will provide updated inspection reports and recommend if load rating analyses are necessary, as directed by the Department. The report will

include an inspection summary, field inspection Form D-450F, updated BMS coding sheets and recommendations.

The Department will select one firm 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 selection will be established directly from the letters of interest. Technical proposals will not be required.

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. Specialized technical expertise and experience of the individuals committed to this assignment. In addition, the firm should discuss its abilities to recommend fracture critical retrofit schemes.

b. Number of certified inspectors and inspection teams available for this assignment and the location of the office from which the employees will be working. A minimum of two teams will be necessary for this Agreement.

c. Capabilities of the proposed teams to address the bridge inspection, engineering evaluations and recommen-

dations and related aspects identified in the advertisement.

d. Prior technical successes and timeliness in performing bridge inspection work with the Department.

e. Internal procedures for cost containment and quality assurance.

f. Current bridge inspection workload.

g. Location of firm.

h. Overall presentation of the firm's letter of interest.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Henry M. Nutbrown, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2853.

Technical questions concerning the requirements for this project should be directed to Lou Ruzzi, District 11-0, at (412) 429-4897.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

### General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the letter of interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Agreement Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The letter of interest and required information 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. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate letters of interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation

Efficiency Act of 1991 and currently certified by the Department of Transportation, shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include the following information, and the information must be packaged and presented in the following order:

1. Transmittal Letter (maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable) and the firm's Federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employes of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each

letter of interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the letter of interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next 2-year time frame. The Workload Projection Graph should be submitted for the offices where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the letter of interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include, with each letter of interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten one sided pages or five double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisements will be made to one of the firms who submitted an acceptable letter of interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the

right to reject all letters submitted, to cancel the solicitations requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-915. Filed for public inspection June 6, 1997, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Valley Forge Chapter of Trout Unlimited, et al. v. DEP and Great Valley School District; EHB Doc. No. 97-112-C**

Valley Forge Chapter of Trout Unlimited, et al., has appealed the issuance by the Department of Environmental Protection (Department) of an NPDES permit to Great Valley School District for a facility in East Whiteland Township, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 97-916. Filed for public inspection June 6, 1997, 9:00 a.m.]

**West Pottsgrove Township v. DEP; Doc. No. 96-135-MG**

The Department of Environmental Protection (Department) and West Pottsgrove Township (Township) have agreed to a settlement of the above appeal.

On May 31, 1996, the Department issued an order to the Township requiring that the Township implement an Infiltration and Inflow elimination program (I/I Program) according to a schedule set out in the order. The Township filed a timely appeal of the Department's issuance of the order. Since the time of the filing of the appeal, the Township has conducted a Wet Weather Flow Study and a Sewer System Evaluation Survey and submitted reports on this work, as required by the order.

The parties have agreed to a settlement of the appeal according to the following terms:

(1) The Township and the Department agreed to a schedule for completion of additional I/I Program work.



(2) The Township and the Department agreed that completion of this additional I/I program work will constitute full compliance by the Township with the Department's Order.

(3) The Township will continue to submit monthly status reports on the progress of the I/I Program work until its completion.

(4) The Township agreed to withdraw its appeal.

Copies of the full agreement are in the possession of:

Lee D. Mescolotto, Esquire, 535 High Street, P. O. Box 792, Pottstown, PA 19464, (610) 323-2900;

Martha E. Blasberg, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park—555 E. North Lane, Suite 6015, Conshohocken, PA 19428-2233, (610) 832-6313;

and at the office of the Environmental Hearing Board and may be reviewed by an interested party on request during normal business hours.

A person aggrieved by the above settlement has a right to appeal to the Environmental Hearing Board, 2nd 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.

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. 97-917. Filed for public inspection June 6, 1997, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Changes to Fishing Regulations; Trap Net Fishing on Lake Erie

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), is hereby making the following temporary changes to regulations applicable to commercial trap net fishing on Lake Erie and Presque Isle Bay. Section 65.25 permits the Executive Director to make temporary changes to fishing regulations when the action is necessary and appropriate to conserve and preserve fishing opportunities. The only active commercial trap net fishing licensee has requested that the Commission allow him to follow proposed changes to trap net regulations during 1997. A review by both the Bureaus of Fisheries and Law Enforcement professional staffs has disclosed that the proposed changes will have no adverse impacts on the protection, preservation and management of fish in the waters affected while giving the licensee the opportunity to fish more successfully with trap nets.

Accordingly, the Commission is implementing the following modifications to commercial trap net fishing regulations for Lake Erie and Presque Isle Bay for 1997:

#### 1. *Seasons.*

a. *Walleye.* The season for commercial fishing with trap nets for walleye is May 24 until the date established by the Executive Director as marking the probable attainment of a total allowable commercial catch for walleye of 18,000 pounds. The Executive Director may, from time to time, revise the total allowable catch if he determines that conditions so warrant. The Executive Director or his designee will monitor reports of catch of walleye and will declare the season to be closed on such date as the Director determines will probably mark attainment of the total allowable catch. It is unlawful for any person fishing under a commercial fishing license or with a device subject to licensing under section 2902 of the code (relating to net permits) to take, catch or attempt to catch walleye except during the walleye season established under this notice. Walleye accidentally caught out of season shall be immediately returned to the waters from which it was taken regardless of its condition and reported within 2 business days to the Commission at the address where commercial catch reports are filed.

b. *Yellow Perch.* The season for commercial fishing with trap nets for yellow perch shall close on December 31 or on a date determined by the Executive Director as marking the attainment of a total allowable commercial catch of 37,800 pounds of yellow perch, whichever occurs first. The Executive Director may, from time to time, revise the total allowable catch if he determines that conditions so warrant. The Executive Director or his designee will monitor reports of catch of yellow perch and will declare the season to be closed on such date as the Director determines will probably mark attainment of the total allowable catch. It is unlawful for any person fishing under a commercial fishing license or with a device subject to licensing under section 2902 of the code (relating to net permits) to take, catch or attempt to catch yellow perch except during the yellow perch season established under this notice. Yellow perch accidentally caught out of season shall be immediately returned to the waters from which it was taken regardless of its condition and reported within 2 business days to the Commission at the address where commercial catch reports are filed.

#### 2. *Use of trap nets.*

(a) *Size.* Trap nets, cribs and associated leads shall be constructed of twine not lighter than number 12 thread/cord. A trap net lead or lifting crib with a mesh in violation of this section, whether being fished or held in possession, shall be subject to confiscation by the Commission.

(b) *Species.* No commercial trap net licensee shall possess or sell any fish except in compliance with the following size limits and seasons. The following size limits apply to commercial trap net licensees except that 5% of each licensee's daily catch by number per species may be undersized fish that may be lawfully sold.

<i>Species</i>	<i>Size Limit</i>	<i>Season</i>
Yellow perch ( <i>Perca flavescens</i> )	8 1/2 inches	January 1 until December 31 or until total allowable catch is taken, whichever occurs first.
Walleye ( <i>Stizostedion vitreum</i> )	15 inches	January 1 until December 31 or attainment of total allowable catch, whichever occurs first
White fish ( <i>Coregonus</i> spp.)	17 inches	No closed season
White perch ( <i>Monone americana</i> )	No size limit	No closed season
Cisco ( <i>Coregonus</i> spp. except <i>C. artedii</i> )	No size limit	No closed season
White bass ( <i>Morone chrysops</i> )	No size limit	No closed season
Burbot ( <i>Lota lota</i> )	No size limit	No closed season
Sheepshead ( <i>Aplodinotus grunniens</i> )	No size limit	No closed season
Gizzard shad ( <i>Dorosoma cepedianum</i> )	No size limit	No closed season
Gold fish ( <i>Carassius auratus</i> )	No size limit	No closed season
Lake whitefish ( <i>Coregonus clupeaformis</i> )	No size limit	No closed season
Brown bullhead ( <i>Ictalurus nebulosus</i> )	No size limit	No closed season
Yellow bullhead ( <i>Ictalurus natalis</i> )	No size limit	No closed season
Rainbow smelt ( <i>Osmerus mordax</i> )	No size limit	No closed season
Channel catfish ( <i>Ictalurus punctatus</i> )	No size limit	No closed season
Suckers ( <i>Carpides</i> sp., <i>Catostomus</i> sp., <i>Ictiobus</i> sp. and <i>Moxmostoma</i> sp.)	No size limit	No closed season
Carp ( <i>Cyprinus carpio</i> )	No size limit	No closed season

(c) *Buoys/tags.* Marker buoys shall be attached to the beginning of each lead and to the back of the crib. A staff extending 8 feet above the water with a minimum size flag of 18 inches by 18 inches secured near the top shall be attached to the anchor for the beginning of the lead and a staff extending 8 feet above the water with 2 minimum size flags of 18 inches by 18 inches (double flags) shall be attached to the anchor for the crib. The licensee shall affix a metal, numbered tag provided by the Commission to each of the required staffs showing the name and address of the owner or the lessee. Licensees shall orally report a seal that is lost, misplaced or stolen within 24 hours of discovery and in writing to the Commission at Northwest Law Enforcement Region within 2 business days. Improperly marked or tagged nets shall be subject to confiscation by the Commission. Officers authorized to enforce the code and this part may mark trap nets for the purpose of determining the number of trap nets being used by a particular licensee.

(d) *Limitations on use.* From May 24 through June 15, no part of a trap net may be set within 0.5 mile of the Lake Erie shoreline, except between longitudes 80°00' and 80°10' where no part of a trap net may be set within 1.5 miles of the Lake Erie shoreline. From June 16 through December 31, no part of a trap net may be set within 1.5 miles of the Lake Erie shoreline.

(e) *Time.* Trap nets may be fished 24 hours a day, but it is unlawful to set or lift them during the period from 30 minutes after sunset to 30 minutes before sunrise.

Except as otherwise expressly modified as set forth in this notice, the provisions of 58 Pa. Code Chapter 69, Subchapters C and D (relating to commercial fishing licenses and commercial fishing regulations) shall remain in full force and effect in 1997.

The modifications to fishing regulations set forth in this notice took effect at 12:01 a.m., May 24, 1997.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 97-918. Filed for public inspection June 6, 1997, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### State Surplus Property Program; Deaccession Auction

The Historical and Museum Commission will be auctioning items from its permanent collection. These items are being auctioned because they are duplicates and/or do not pertain to Pennsylvania history. The public auction will be held on June 25, 1997, by Ziegler's Auction House, 1550 Sand Hill Road, Hummelstown, PA 17036, (717) 533-4267. Items being auctioned include such items as glass dishes and bowls, copper tea kettles, redware urns and crocks, textiles, framed prints, shotguns, Austrian and French bayonets, World War I and II military uniforms and paintings.

BRENT P. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 97-919. Filed for public inspection June 6, 1997, 9:00 a.m.]

# HUMAN RELATIONS COMMISSION

## Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P. L. 744, No. 222) announces the publication of the stipulations of fact, findings of fact, conclusions of law, final decision and order, made after a public hearing under Section 9(e)—(g) of the Act, in the following case:

*Barbara G. Chism v. Doehler-Jarvis Pottstown, Inc.*; Docket No. E70485 (Pennsylvania Human Relations Commission, May 19, 1997); Race, gender-based harassment, discipline; Ruling for Complainant, 8-0 decision; 24 pages.

The final order in the above-listed case is subject to appeal to Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 10¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Pennsylvania Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 97-920. Filed for public inspection June 6, 1997, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 1 p.m., Thursday, May 22, 1997, and took the following actions:

### *Regulations Approved:*

#1636 State Board of Physical Therapy #16A-377: Athletic Trainers; Class A & B Certification (amends 49 Pa. Code Chapter 40)

#1715 State Board of Pharmacy #16A-543: Facsimile Machines (amends 49 Pa. Code Chapter 27)

#1837 Department of State #16-14: Charitable Organizations (repeals 49 Pa. Code Chapters 51, 53 and 55)

#1745 Pennsylvania Public Utility Commission #57-172: Meter Tests (amends 52 Pa. Code § 59.21)

#1627 Pennsylvania Public Utility Commission #57-155: Interexchange Telecommunications Carriers (adds new provisions at 52 Pa. Code §§ 63.101—63.107)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Alvin C. Bush; Arthur Coccodrilli

Public meeting held  
May 22, 1997

*State Board of Physical Therapy—Athletic Trainers; Class A & B Certification; Doc. No. 16A-377*

### Order

On May 26, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Physical Therapy (Board). This rulemaking would amend 49 Pa. Code Chapter 40. The authority for this regulation is contained in sections 3(a) and 10.2 of the Physical Therapy Practice Act (act) (63 P. S. §§ 1303(a) and 1310.2). The proposed regulation was published in the June 10, 1995 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 2, 1997.

The proposed amendments are designed to update the existing regulations to reflect current education and practical experience requirements for the completion of athletic training programs and to eliminate the issuance of new Class B certificates. The proposed amendments also amend definitions and specify the conditions under which an athletic trainer may provide services.

The Board is modifying the requirements for Class A certification by requiring that a candidate must fulfill either the requirements of an educational program meeting the requirements of the National Athletic Trainers Board of Certification (NATABOC) or a NATABOC internship program. In addition, a candidate must pass the certification examination administered by the NATABOC.

The Board is proposing to expand the definition of amateur athletic organization to include an organization which requires athletes injured prior to, during or after an organization-sponsored event to be examined by a physician. Under the proposed change, the organization must require either a preparticipation medical examination or must institute a policy requiring documentation of a physician examining athletes who are injured prior to, during or after an event. The expanded definition will allow more organizations to meet the requirements for classification as an amateur athletic organization.

The proposed changes to section 40.84 eliminate the requirements for Class B certification and provide that no new Class B certificates will be issued. The 40 previously issued Class B certificates will remain valid and can be renewed. Consequently, athletic trainers who currently hold Class B certification will not be required to obtain Class A certification.

The Board is also proposing to reorganize the listing of responsibilities for Class A and Class B trainers and to add section 40.88 which states that the athletic trainer may provide services only under the direction of a physician, podiatrist or dentist and only to participants in athletic programs which are conducted by an educational institution, professional athletic organization or amateur athletic organization. This section also provides that the athletic trainer, in agreement with the physician, podiatrist or dentist, must develop and maintain written policies and procedures which govern athletic training services.

In our comments on the proposed rulemaking, we made recommendations relating to definitions; application for certification; Class A and B certification; scope of duties;

and physician direction. In September of last year, the Board submitted a final-form version of the regulation, but withdrew the regulation because we raised several concerns. These concerns have now been resolved by the Board.

The Senate Consumer Protection and Professional Licensure Committee approved the regulation on May 13, 1997. The House Professional Licensure Committee disapproved the regulation on May 14, 1997. The House Committee disapproved the regulation in response to procedural and substantive concerns raised by the Pennsylvania Physical Therapy Association (PPTA). We received a letter from PPTA recommending disapproval of the regulation because it claimed the Board had violated the procedures of the Regulatory Review Act and because it believed that the regulation unnecessarily expands the scope of athletic trainers.

The procedural objection raised by PPTA was based on the fact that the Board did not serve PPTA with a copy of the final-form regulation at the same time the Board served the standing committees and this Commission. PPTA asserted that it was disadvantaged because it was foreclosed from providing input to the Senate Committee prior to its vote on the final-form regulation.

While the Board's administrative breakdown is regrettable, the failure of an agency to comply with the notice requirements in the Regulatory Review Act is not one of our criteria, as provided in section 5(e) of the act, for determining if a regulation is in the public interest. The act does not grant the Commission the authority to enforce provisions of the act which apply to other agencies. The act also does not provide for any penalty to an agency which does not comply with the notice provisions. Consequently, we do not find that PPTA's procedural issue warrants disapproval of the regulation.

PPTA also raised substantive concerns, which we received and reviewed, that the regulation improperly expands the scope of services for athletic trainers. Specifically, PPTA believes the amendment to the definition of "athletic trainer" will allow an athletic trainer to set up an independent practice because it no longer requires the athletic trainer to provide service to an athletic program. PPTA believes this modification expands the scope of services beyond the expertise of an athletic trainer.

We disagree with the PPTA's assumption that the changes to the definition of "athletic trainer" will allow athletic trainers to perform any services beyond their training or expertise. The regulation clearly provides that an athletic trainer may only perform those duties contained in section 40.87 and only under the direction of a licensed physician, dentist or podiatrist. Therefore, regardless of whether an athletic trainer is working with a specific athletic organization or with one athlete, the trainer may only perform services under the direction of a physician, dentist or podiatrist and within the scope of duties contained in the regulation.

PPTA's other substantive concern relates to the deletion of the supervision requirements in section 40.87(a) along with the modification to section 40.88. PPTA claims that the result of these two amendments will affect the safety and welfare of the public by allowing an athletic trainer and physician to establish the standards, venue and scope of services to be performed.

Again, we disagree that the changes to the rulemaking will result in any harm to the public. The regulation clearly provides that the athletic trainer must work under the direction of a physician and provide services consis-

tent with the scope of duties delineated in the regulation. It is within the professional judgment of the physician, dentist or podiatrist, as well as the athletic trainer, to assure that the services provided are within the scope of duties and the expertise of the athletic trainer.

We have reviewed this regulation and find it to be in the public interest. The Board has addressed the clarity issues we raised in September, and we do not have any outstanding concerns with the rulemaking.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-377 from the State Board of Physical Therapy, as submitted to the Commission on May 2, 1997, 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; Alvin C. Bush; Arthur Coccodrilli

Public meeting held  
May 22, 1997

*State Board of Pharmacy—Facsimile Machines; Doc. No. 16A-543*

#### Order

On February 28, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking would amend 49 Pa. Code Chapter 27. The authority for this regulation is contained in sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (act) (63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9)). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 2, 1997.

The Board has proposed a rulemaking to amend 49 Pa. Code Chapter 27 to define "long-term care facility" and establish the conditions under which a pharmacy may fill a prescription received on a facsimile (fax) machine.

The impetus behind this proposed regulation is the adoption of Federal Drug Enforcement Administration (DEA) regulations on May 19, 1994, at 21 CFR 1306.11(a) and 1306.21, which authorize the transmission of prescriptions for controlled substances by fax machines. Until the adoption of the DEA rulemaking, it was unlawful to transmit prescriptions for controlled substances by fax machine.

Standards adopted by the DEA prohibit a pharmacist from dispensing a prescription for a Schedule II controlled substance received on a fax machine prior to receiving and reviewing the original with two exceptions. One exception relates to a prescription transmitted for a Schedule II controlled narcotic substance for direct administration to a patient. The other exception permits a pharmacist to receive a prescription for a drug listed on Schedule II on a fax machine for a patient in a long-term care facility and use it as the original written prescription.

At the proposed stage, the House Professional Licensure Committee met on the proposed regulation and elected to take no position, but did suggest one clarifying amendment. Comments urging modifications on the proposed regulation were made by the Hospital Association of Pennsylvania (HAP); Children's Seashore Hospital;

York Health System; Saint Vincent Health Center; Montgomery Hospital Medical Center; Pennsylvania Society of Health-System Pharmacists; Hamot Medical Center; Stadlander's Pharmacy; and three registered pharmacists.

On May 13, 1997, the Senate Consumer Protection and Professional Licensure Committee voted to approve the final-form regulation. On May 14, 1997, the House Professional Licensure Committee voted to approve the final-form regulation.

This rulemaking will not impose any fiscal impact or additional paperwork requirements upon any entity. The rulemaking does not require the use of a fax machine in a pharmacy setting, rather it permits its use under certain circumstances. The Board believes that the use of a fax machine to transmit a drug order or prescription from a prescriber to a pharmacist may result in fewer errors than telephone transmission of a prescription or order because the pharmacist will have an exact copy of the prescription.

We have reviewed this regulation and find it to be in the public interest. In our comments, we raised six issues with the Board. One dealt with the reasonableness of applying these requirements to drug orders in hospitals, and the others raised issues of clarity or consistency between the proposed requirements and the act and DEA's regulations. In all but two cases, the Board made the changes that were suggested. For the two areas that the Board did not make changes (which were clarity issues), the explanation provided by the Board was sufficient to satisfy our concerns. These changes will facilitate the use of facsimile machines to transmit prescriptions and make the Commonwealth's regulations consistent with those of the DEA.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-543 from the State Board of Pharmacy, as submitted to the Commission on May 2, 1997, 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; Alvin C. Bush; Arthur Coccodrilli

Public meeting held  
May 22, 1997

*Department of State—Charitable Organizations; Doc. No. 16-14*

### Order

On April 22, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of State (Department). This rulemaking would repeal 49 Pa. Code Chapters 51, 53 and 55. The authority for this regulation is contained in section 506 of The Administrative Code of 1929 (71 P. S. § 186) and section 4(3) of the Solicitation of Funds for Charitable Purposes Act (act) (10 P. S. § 162.4(3)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation will repeal outdated and obsolete regulations at 49 Pa. Code Chapters 51, 53, and 55. The existing regulations were promulgated under a 1963 statute. This statute was repealed by the Charitable Organizations Reform Act of April 30, 1986. The 1986

statute was repealed by the Solicitation of Funds for Charitable Purposes Act (Act 202 of 1990). In the preamble of the regulation, the Department asserts that publication of notice of proposed rulemaking is unnecessary under section 204(3) of the Commonwealth Documents Law (45 P. S. § 1204(3)). Public comment is unnecessary and under the circumstances impractical because this regulation is intended to merely delete outdated regulations which were promulgated under a prior statute which was repealed. Furthermore, all registrants affected by the repeal are given actual notice that Chapters 51, 53 and 55 have no bearing on filings made under the Act and are advised that filings made under the act should not be made utilizing these out-of-date chapters.

The regulation will have no negative impact on the Commonwealth or local governments. The Department will no longer need to expend resources rejecting filings based upon out-of-date regulations, and the public will realize a positive fiscal impact from not spending time and energy trying to comply with out-of-date regulations.

Senator Charles D. Lemmond, Jr., Chairperson of the Senate State Government Committee, notified the Commission in a letter dated May 16, 1997, that he gave members of his Committee an opportunity to review and comment on this regulation. Senator Lemmond wrote that he had received no comments regarding this regulation and recommended its adoption.

We have reviewed this regulation and find it to be in the public interest. It eliminates regulatory provisions that cause unnecessary confusion because they conflict with current law. Areas of conflict include the audit requirement at 49 Pa. Code § 53.4 and the fee schedule at 49 Pa. Code § 55.2. These existing rules require all charitable organizations, including those that receive gross contributions of \$25,000 or less from the public, to file an annual balance sheet and income and expense statement audited by an independent public accountant and pay an annual fee to the Department. However, this is an option not a requirement for smaller charities under the act. Section 5(f) of the act states: "An audit or review is optional for any charitable organization which receives contributions less than \$25,000." Due to the confusion created by the existing regulation, certain charities are filing forms with the Department that are unnecessary.

We note that section 23 of the act requires the following:

The act of April 30, 1986 (P. L. 107, No. 36), known as the Charitable Organizations Reform Act, is repealed. Existing regulations promulgated pursuant to the Charitable Organization Reform Act shall remain in effect until amended in accordance with the provisions of this act.

The impact of this section of the statute on this regulation appears to be problematic since Chapters 51, 53 and 55 were promulgated under the 1963 Act. There were no amendments to these chapters promulgated under the Charitable Organization Reform Act of 1986. However, the Department has indicated that there are plans for a future rulemaking to improve the implementation of the act. We urge the Department to work diligently towards this goal.

*Therefore, It Is Ordered That:*

1. Regulation No. 16-14 from the Department of State, as submitted to the Commission on April 22, 1997, 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; Alvin C. Bush; Arthur Coccodrilli

Public meeting held  
May 22, 1997

*Pennsylvania Public Utility Commission—Meter Tests;  
Doc. No. 57-172*

### Order

On May 30, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code § 59.21 which addresses testing of gas meters for accuracy and safety. The authority for this regulation is 66 Pa.C.S. § 1504(4) which provides the PUC with the authority to: "Prescribe or approve reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurement." The proposed regulation was published in the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 5, 1997.

Every year a portion of the gas utility's meters are required to be tested to ensure accuracy and safety. The existing regulations provide two options for testing of meters: a standard test schedule and an extended test schedule. The standard test schedule simply requires all meters to be tested at specific intervals based upon the class of meter. The extended test schedule specifies the time interval for the next test for the meters tested that year based upon the accuracy of the meters tested in recent years.

The Pennsylvania Gas Association (PGA) commented that mounting evidence indicates meters typically operate at very high levels of accuracy for periods far beyond the existing regulation's maximum test period. A statistical sampling pilot program used by Columbia Gas of Pennsylvania, Inc. and a variable interval pilot program used by National Fuel Gas Distribution Corporation support this claim. PGA commented that each of these programs was effective and successful, both in maintaining high levels of meter accuracy and in realizing savings in operating expenses. Gas utilities filed three petitions with the PUC requesting changes to meter testing requirements to recognize advances in meter reliability and to make minor clarifications to the regulations. The PUC agreed with the gas utilities' proposals and developed this proposed rulemaking.

The PUC is proposing two significant amendments to the existing regulation. First, the PUC is proposing to modify the extended test schedule for Class A meters by adding 4 years to the permitted test periods. Second, the PUC is proposing to add a statistical sampling program and a variable interval testing program for meter testing.

The PUC proposal to modify the extended test schedule for Class A meters by adding 4 years to the permitted test periods is significant because it will affect residential meters. Residential meters comprise the largest category of meters a gas utility owns. Assuming that a utility's meters qualify for the extended test schedule, a utility could reduce the annual number of tests by as much as 20%.

The second PUC proposal adds options for a statistical sampling program and a variable interval testing program for meter testing. These programs are similar to protocols suggested by the American National Standards

Institute. The most important difference between the existing regulations and these new programs is that the existing regulations require all meters to be tested whereas the new programs would require only a representative sample of meters to be tested. The PUC also proposes to fix a typographical error in the existing regulations and make minor clarification amendments.

The only comments received on the proposed rulemaking were from PGA. PGA provided background information and expressed support for the regulation. PGA's comments outlined potential savings of 20% for the proposed 4-year extension of the extended meter testing schedule and even larger savings for the statistical sampling and variable interval programs.

The Senate Consumer Protection and Professional Licensure Committee voted to approve this final-form regulation on May 13, 1997.

We have reviewed this regulation and find it to be in the public interest. We commented on several clarity issues and procedural ambiguities. There were several meetings held and numerous drafts circulated between PUC staff, PGA and the Commission after our comments were submitted. As a result, all of the issues we raised have been resolved.

The regulation will result in cost savings for both the gas utilities and their customers because fewer meters will have to be tested each year. Costs will not be imposed or increased in the long term as a result of this regulation because the regulation adds options for meter testing without foreclosing existing testing options. We are convinced that metering technology has improved and longer intervals between testing will not pose a safety threat or increase the chances that a customer will be charged inappropriately due to a faulty meter.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-172 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 5, 1997, 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; Alvin C. Bush; Arthur Coccodrilli

Public meeting held  
May 22, 1997

*Pennsylvania Public Utility Commission—Interexchange  
Telecommunication Carriers; Doc. No. 57-155*

### Order

On April 3, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would add new provisions at 52 Pa. Code §§ 63.101—63.107. The authority for this regulation is contained in sections 501, 3008 and 3009(b)(3), (4) and (d) of the Public Utility Code (code) (66 Pa.C.S. §§ 501, 3008 and 3009(b)(3), (4) and (d)). The proposed regulation was published in the April 15, 1995 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 5, 1997.

This regulation is designed to implement new procedures related to the regulation of interexchange carriers under Chapter 30 of the code. Chapter 30 was Act 67 of

1993 (act). This comprehensive piece of legislation allows the PUC to determine what is a competitive or noncompetitive telecommunications service and provides for the deregulation of competitive services. The subject of this regulation is interexchange carriers or long distance companies such as MCI, Sprint or AT&T. Although the act deregulates the competitive service provided by interexchange carriers, it also authorizes the PUC to regulate noncompetitive services provided by these companies as well as monitor the interexchange carriers' competitive services.

The regulation contains provisions requiring the filing of information with the PUC when an interexchange carrier modifies its rates for existing competitive services. Before the act, interexchange carriers had to obtain the PUC's approval of rate modifications. An interexchange carrier must now introduce a new competitive service through the filing of a tariff supplement and supporting documentation with the PUC. Upon the filing of such information, the PUC staff has 14 days to review it and issue a report allowing the new service to be initiated or explaining why it should not be permitted. In addition, the regulation outlines procedures for noncompetitive services, reclassification of competitive and noncompetitive services, and annual reporting by interexchange carriers.

The PUC claims that the regulation should reduce its own costs in regulating interexchange carriers as well as the regulatory costs of interexchange carriers. This regulation will have little or no impact on the Commonwealth, local governments or the private sector.

On the proposed rulemaking, AT&T and MCI Telecommunications Corporation (MCI) filed comments. In addition, former Representatives Kathrynann W. Durham and David R. Wright, the Majority and Minority Chairpersons of the House Consumer Affairs Committee in 1995, both filed comments on the proposed rulemaking.

After submittal of the final-form version of the regulation, the Senate Consumer Protection and Professional Licensure Committee voted to approve this regulation on May 13, 1997.

We have reviewed this regulation and find it to be in the public interest. The PUC made a number of modifications to the final-form regulation in response to the concerns expressed by commentators and this Commission. The major issue was the PUC's regulation of interexchange services to aggregator telephones. This issue centered on section 3008(a) of the code that lists "interexchange service to aggregator telephones" as a noncompetitive service. Aggregator telephones according to section 3002 of the code are telephones that are "made available to the transient public, customers or patrons, including, but not limited to, coin telephones, credit card telephones and telephones located in hotels, motels, hospitals and universities." AT&T, MCI and former Representatives Durham and Wright contended that credit and debit card services provided by facilities-based companies such as AT&T and MCI exist in a highly competitive market and should not be regulated by the PUC. In our comments on the proposed regulation, we agreed with these commentators in part and suggested that the PUC exercise its statutory authority to reclassify these services provided by facilities-based companies as competitive and allow them to be deregulated under Chapter 30 of the code.

Although the PUC will continue to regulate certain long distance services as noncompetitive, it took a step forward in pronouncing that prepaid debit cards are a competitive service. Long distance providers will only be required to file prepaid debit card rates with the PUC for informational purposes. The PUC continues to regulate other interexchange services to aggregator telephones provided by facilities-based companies as noncompetitive under Chapter 30 of the code. A wide variety of companies are entering the interexchange or long distance marketplace including local exchange telephone providers, facilities-based providers, resellers and companies that offer services through their own facilities (for example, facilities-based) and as resellers. Considering the growing complexity of the long distance market, the task of delineating between the different types of long distance services provided to aggregator telephones becomes a greater challenge. As the distinction between facilities-based providers and resellers becomes increasingly blurred, a decision by the PUC to continue its regulation of services provided by resellers while simultaneously deregulating facilities-based services would be practically unenforceable.

*Therefore, It Is Ordered That:*

1. Regulation No. 57-155 from the Pennsylvania Public Utility Commission, as submitted to the Commission on May 5, 1997, 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. 97-921. Filed for public inspection June 6, 1997, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Domestic Certificate of Authority

Somerset Casualty Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The filing was made under the requirements set forth under The Insurance Company Law (40 P. S. §§ 362—1003). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-922. Filed for public inspection June 6, 1997, 9:00 a.m.]

### Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1604(2)(ii)), the Insurance Commissioner hereby declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

#### *Export List*

Amusements  
 Carnival ride owners/operators  
 Amusement parks and their devices  
 Auto racing and automobile race tracks  
 Golf courses and driving ranges  
 Midget autos and go-karts  
 Animal rides  
 Rodeos and horse shows  
 Balloon rides—hot air/gas  
 Recreational and sporting events  
 Guide, lodge or outfitters  
 Horseback/pony riding establishments  
 Hunting clubs\*  
 Special short-term events  
 Skating rinks (roller and ice) and skate board parks  
 Ski resorts owners/operators liability  
 Theatrical presentations

Armored cars\*

Asbestos abatement contractors liability and cleanup coverage

Aviation  
 Cargo  
 Vehicles maintaining or servicing aircraft  
 Fixed base operations  
 Nonownership liability  
 Hull  
 Chartered  
 Excess passenger liability  
 Antique aircraft  
 Airport liability  
 Hangarkeeper's liability  
 Helicopters

Blood banks, blood and organ facilities

Boat rentals

Chemical spray and/or drift

Demolition contractors liability

Earthquake

Explosive hauling

Explosives, munitions or fireworks manufacturing/storage/sales

Flood insurance not provided under Federal flood insurance

Ground applicators—chemical

Hazardous waste site mitigation contractors liability

Hazardous waste disposal site liability and cleanup coverage

House Movers\*

Kidnapping, ransom and extortion insurance

Lead liability  
 Lead abatement contractors liability  
 Liability for employment related practices  
 Liquor liability—monoline\*  
 Nuclear energy general liability  
 Ocean marine

Physical Damage coverage for private passenger, classic, antique or commercial vehicles with an original new cost or market value of \$60,000 or greater\*

Railroad liability  
 Security/Detective/Patrol agencies\*

\* denotes a new or amended coverage from the Export List published at 26 Pa.B. 5 (February 3, 1996)

This list supersedes the list published at 26 Pa.B. 5 (February 3, 1996), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, telephone (717) 783-2144, fax (717) 787-8557.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-923. Filed for public inspection June 6, 1997, 9:00 a.m.]

### Richard B. Driscoll d/b/a Action Adjustment Service, Inc.; Doc. No. SC97-04-034

The hearing is scheduled for July 10, 1997, at 9 a.m., in the Administrative Hearing Office, Suite 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by the Administrative Agency Law 2 Pa.C.S. §§ 501-508, 701-704 and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et. seq.

Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation.

Motions preliminary to those at the hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Pennsylvania Insurance Department, Suite 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before June 26, 1997.

A prehearing teleconference initiated by the Administrative Hearing Office is scheduled for June 26, 1997, at 2 p.m. All parties shall provide the Docket Clerk at (717) 783-2126 with a telephone number where they can be contacted.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-924. Filed for public inspection June 6, 1997, 9:00 a.m.]



# LIQUOR CONTROL BOARD

## Expiration of Leases

The following Liquor Control Board lease will expire:

Northampton County, Wine & Spirits Shoppe #4813, 30 E. 4th Street, Bethlehem, PA 18015-1602

*Lease Expiration Date:* May 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within approximately 1/2 mile of the intersection of Fourth Street and PA Route 378, City of Bethlehem.

*Proposals due:* June 27, 1997 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 97-925. Filed for public inspection June 6, 1997, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Kathy D. Budd v. West Penn Power Company;  
Doc. No. Z-00323994**

A copy of the Initial Decision of Administrative Law Judge Louis G. Cocheres in the above-captioned matter was issued and mailed by certified mail on May 21, 1997.

### BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Kathy D. Budd

v.

West Penn Power Company

:  
:  
:  
:  
:

Docket No. Z-00323994

### Initial Decision

Before  
Louis G. Cocheres  
Administrative Law Judge  
(Sitting as a Special Agent)

### *History of the Proceeding and Discussion*

On October 1, 1996, Ms. Budd filed her complaint which alleged an inability to pay her electric bill. On January 29, 1997, the Office of Administrative Law Judge scheduling staff sent a notice of hearing to her address at 630 Cleveland Street, Greensburg, Pennsylvania 15601. The U. S. Postal Service returned the notice and marked it:

RETURN TO SENDER  
BUDD  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER

Prior to the return of the notice of hearing, the undersigned sent a prehearing order, dated February 6, 1997, which was returned by the Postal Service with the same message. Thereafter, I requested that the scheduling staff cancel the

Service was effected by this means on all parties but Kathy D. Budd. Service by publication is hereby effected upon Kathy D. Budd under the provisions of 52 Pa. Code § 1.53(c).

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine copies of your signed exceptions must be filed with the Secretary of the Commission in Room B-20, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA or mailed to P. O. Box 3265, Harrisburg, PA 17105-3265, within 20 days of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U. S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code § 1.11(a) or on the date deposited with an overnight express package delivery service (52 Pa. Code § 1.11(a)(2), (b)). If your exceptions are sent by mail, use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. Section 1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within 10 days of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code §§ 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should be labeled clearly as "EXCEPTIONS of (name of party)—(protestant, complainant, staff, and the like)."

If no exceptions are received within 20 days, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

initial hearing which was set for March 10, 1997 by telephone. By letter notice, dated February 13, 1997, the hearing was cancelled.

Under these circumstances, I find that Ms. Budd has made it impossible to continue with the proceeding. I have concluded that her complaint must be dismissed with prejudice for lack of prosecution. 52 Pa. Code § 5.245(b).<sup>1</sup>

**Order**

*Now Therefore It Is Ordered:*

That the complaint of Kathy D. Budd versus West Penn Power Company at Docket No. Z-00323994 is hereby dismissed with prejudice.

Dated: February 27, 1997

LOUIS G. COCHERES,  
*Administrative Law Judge*

[Pa.B. Doc. No. 97-926. Filed for public inspection June 6, 1997, 9:00 a.m.]

<sup>1</sup>I note that this decision should not be sent to her last known address as the only form of service.

**Service of 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 23, 1997.

A-00113993 James P. Wolfgang, t/d/b/a Wolfgang  
Hauling  
644 Upland Street, Pottstown, PA 19464

A-00113994 Brian Lang, t/d/b/a Brian Lang Excavating  
890 Marra Road, Dysart, PA 16636

A-00113995 Joel F. Widmann, t/d/b/a Widmann Trucking  
R. D. #1, Box 50, Woodbury, PA 16695

A-00113996 RNS Services, Inc.  
P. O. Box 38, Blossburg, PA 16912:  
Charles J. McKelvey, Esquire, McNerney,  
Page, Vanderlin & Hall, 433 Market  
Street, P. O. Box 7, Williamsport, PA  
17703

A-00113993 James P. Wolfgang, t/d/b/a Wolfgang  
Hauling  
644 Upland Street, Pottstown, PA 19464

A-00113998 Medico-Nockley Enterprises, Inc.  
5 Anthracite Street, Wilkes-Barre, PA  
18702: Mark S. Jennings, 303 Tenth  
Street, Honesdale, PA 18431

A-00113999 Tyler Transport, Inc.  
Rear Helen & Mill Streets, Dunmore, PA  
18512: James Zaydon, 811-813 Mulberry  
Street, Scranton, PA 18503

A-00113400 Richard A. Beauchat, Sr., t/d/b/a Beauchat  
Building Maintenance  
Route 3, Box 296A, Titusville, PA 16354

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-927. Filed for public inspection June 6, 1997, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET THAT COMPETITIVE EDGE—FOR FREE!**

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,  
State Treasurer

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340****Commodities**

**1009237** Communication equipment—132 each Woodcock Transmitters, frequencies: 150.000 MHZ through 151.999 MHZ, separated by at least 0.01 MHZ.

**Department:** Game Commission  
**Location:** Spring Mills, Centre County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1023217** Food preparation and serving equipment—7 each Mobile Utility Counters, various sizes/models.

**Department:** Public Welfare  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1034157** Food preparation and serving equipment—1 each Walk-in cooler/cooler/freezer.

**Department:** Scotland's School for Veteran's Children  
**Location:** Scotland's School for Veteran's Children, Scotland, Franklin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1036157** Refrigeration—1 each single bay refrigerator; 5 each double bay refrigerator; 21 each thermalization carts; 1 each tray line; 2 each mobile drying rack; 2 each dish cart; 64 each dome storage racks; 26 each servers/trays; 8 each china soup bowl; 22 each china treetree place.

**Department:** Southwestern Veterans Center  
**Location:** Southwestern Veterans Center, Scranton, Lackawanna County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1037207** Envelopes—12 each envelopes, evidence, expanding.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1656156** Metal working machinery—1 each various equipment; 1 each 24 or 110 volts start stop station; 1 each rip fence right side singular face; 1 each large crosscut gauge w/slot; 1 each 11 roller resaw fence w/spring loaded rollers.

**Department:** Erie Maritime Museum  
**Location:** Erie, Erie County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8205820** Textiles—166 each outdoor storage covers 24' x 36'; 312 each outdoor storage covers 24' x 48'.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8503840** Construction and building materials—7 each pipe, elliptical 68" x 106" x 8 feet.

**Department:** Transportation  
**Location:** Wellsboro, Tioga County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8503840** Construction and building materials—7 each reinforced elliptical concrete pipe, Ty A 68" x 106" x 8 feet.

**Department:** Transportation  
**Location:** Wellsboro, Tioga County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1061217** Construction and building materials—12 each panels 55" x 55" Santana Color Misty Blue; 12 each panels 55" x 55"; 25 each pilasters 3" x 10"; 16 each pilasters 4" x 10"; 36 each pilasters 6" x 10"; 30 each 8" x 10"; 14 each 10" x 10"; 33 each doors 24" x 55"; 2 each pilasters 12" x 10'.

**Department:** Wernersville State Hospital  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**Agricultural Services—2**

**PGC-2550** The equivalent of Game Bird (pheasant) Grower 1 (260 tons) and Grower 2 (200 tons) pellet size 5/32, together with the following additions: bulk delivery: pneumatic blower unloading. Delivery in 8—24 ton lots. Feed quantities are estimates only. The actual amounts may be greater or less than the estimated quantity. Payment will be made only for the amount actually ordered. All feed is to be in strict accordance with attached PA Game Commission Formula (Note: revised as of 1/94). The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Western Game Farm, 25761 Highway 408, Cambridge Springs, PA 16403  
**Duration:** July 1, 1997—January 15, 1998  
**Contact:** Larry Mears, Superintendent, (814) 398-2271

**PGC-2551** The equivalent of Game Bird (pheasant) Grower 1 (180 tons) and Grower 2 (160 tons) pellet size 5/32, together with the following additions: bulk delivery: pneumatic blower unloading. Delivery in 8—24 ton lots. Feed quantities are estimates only. The actual amounts may be greater or less than the estimated quantity. Payment will be made only for the amount actually ordered. All feed is to be in strict accordance with attached PA Game Commission Formula (Note: revised as of 1/94). The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Loyalsock Game Farm, R. D. 2, Box 803, Montoursville, PA 17754  
**Duration:** July 1, 1997—December 31, 1997  
**Contact:** C. Clair Souter, Superintendent, (717) 435-2043

**PGC-2552** The equivalent of Game Bird (pheasant) Grower 1 (210 tons) pellet size 5/32, together with the following additions: bulk delivery: pneumatic blower unloading. Delivery in 8—24 ton lots. Feed quantities are estimates only. The actual amounts may be greater or less than the estimated quantity. Payment will be made only for the amount actually ordered. All feed is to be in strict accordance with attached PA Game Commission Formula (Note: revised as of 1/94). The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Northcentral Game Farm, HC-31, Box 335, Williamsport, PA 17701  
**Duration:** July 1, 1997—November 15, 1997  
**Contact:** Bruce Guintier, Superintendent, (717) 478-2527

**PGC-2553** The equivalent of Game Bird (pheasant) Grower 1 (200 tons) pellet size 5/32, together with the following additions: medication added to feed as requested by superintendent. Request quotes Amprolium 0.0175% (22.40 lbs.). Bulk delivery: pneumatic blower unloading. Delivery in 8—24 ton lots. Feed quantities and medication are estimates only. The actual amounts may be greater or less than the estimated quantity. Payment will be made only for the amount actually ordered. All feed is to be in strict accordance with attached PA Game Commission Formula (Note: revised as of 1/94). The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Southwest Game Farm, R. D. 1, Box 51-A, New Bethlehem, PA 16242  
**Duration:** July 15, 1997—December 15, 1997  
**Contact:** Robert Hodge, Superintendent, (814) 275-2509

## Construction Maintenance—9

**Project No. 807** Construction of office walls.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG, Building 19-101, Ft. Indiantown Gap, Lebanon County, PA  
**Duration:** 1 July 97—30 June 98  
**Contact:** Emma Schroff, (717) 861-8518

**080973** Northumberland County, State Route 61 (76M), Bradford County, Group 3-97-MTC01.

**Department:** Transportation  
**Location:** District 3-0  
**Duration:** FY 1997/98  
**Contact:** Paul W. Beaver, Contract Mgt. Supervisor, (717) 368-4263

**080974** Districtwide Group 1-97-GR1; Crawford County SR 77(08M); Erie County SR 4016(03M); Lycoming County SR 405(65M); Lycoming County SR 44(29M); Union County SR 192(16M); Susquehanna County SR 706(570); Berks County SR 4026(01M); Carbon County SR 534(02B); Lehigh County Group 5-97-POC3A; Lehigh County Group 5-97-POC3C; Bucks County SR 4027(005); Delaware County SR 1008(138); Montgomery County Allendale Road; Philadelphia County SR 611(42M); Philadelphia County SR 3003(002); Philadelphia County SR 3023(01B); Adams County SR 233(004); Cumberland County SR 641(003) and 465(002); Cumberland County SR 3008(003); Cumberland County SR 2017(002); Franklin County SR 16(017/018); Lancaster County SR 743/010—241/003.

**Department:** Transportation  
**Location:** Districts 1-0, 3-0, 4-0, 5-0, 6-0, 8-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**080975** District Wide Group 9-96-G01; Cambria County SR 56(017); Armstrong County T-562 BR/Brady Run; Armstrong County Group 101-97-SIA; Armstrong County Group 101-97-SIB; Butler County Group 102-97-SIA; Butler County Group 102-97-SIB; Indiana County Group 104-97-SIC; Jefferson County SR 3018(006); Allegheny County SR 2040(A03);885(A11); Washington County Group 12-97-RPM; Westmoreland County Brush Creek BR No. 1; Westmoreland County Group 12-97-SI5-2; Erie County SR 18(05M); Warren County Bike/Hike Trail; Lackawanna County Group 4-97-ST8; Luzerne County Group 4-97-ST3; Susquehanna County Group 4-97-ST9; Wayne County Group 4-97-MC6; Wyoming County Group 4-97-MC8; Monroe County SR 80(ITS).

**Department:** Transportation  
**Location:** Districts 1-0, 4-0, 5-0, 9-0, 10-0, 11-0, 12-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**080976** Allegheny County SR 50(A04); Northampton County Group 5-97-POC5B; Bucks County Group 6-97-ST31; Delaware County SR 1(03L); District Wide Dist-Wide RPMS; Allegheny County Group 111-97-7135-6; Carbon County Group 5-97-POC2A; Westmoreland County Group 12-97-SI5.

**Department:** Transportation  
**Location:** Districts 5-0, 6-0, 8-0, 11-0, 12-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**11097008** Allegheny and Butler Counties SR 1001 (A12). This project is for the milling and resurfacing, base replacement, drainage improvement, paved shoulders, pavement markings and loop sensor replacement. CMS No. 111521.

**Department:** Transportation  
**Location:** Engineering District 11-0, Maintenance District 11-1, Allegheny County, PA  
**Duration:** FY 1997-98  
**Contact:** V. C. Shah, (717) 787-5914

**AE-4037** Construction of a wooden material storage building. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** PennDOT Troy Stockpile, Route 14, Northeast of Troy Borough, Bradford County, PA  
**Duration:** 90 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-4073** Construction of an ADA entrance ramp. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Erie County Maintenance Building, 9031 Peach Street, Waterford, Erie County, PA  
**Duration:** 120 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5076** Replacement of existing and installing new pass doors. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, Ebensburg, Cambria County, PA  
**Duration:** 120 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5077** Construction of sewer lateral connection. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Uniontown Driver License Center, North Union Township, Fayette County, PA  
**Duration:** 45 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5084** Construction of a wooden material storage structure on existing concrete foundation. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile Site No. 12 on Route 220, Martha's Furnace, Centre County, PA  
**Duration:** 90 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5085** Construction of a wooden material storage structure on existing concrete foundation. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile Site No. 01, Bellefonte, Centre County, PA  
**Duration:** 90 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5086** Construction of a wooden material storage structure on existing concrete foundation. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile Site No. 05, Rockton, Clearfield County, PA  
**Duration:** 90 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5087** Construction of a wooden material storage structure on existing concrete foundation. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile Site No. 25, 9th Street, Philipsburg, Centre County, PA  
**Duration:** 90 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5088** Construction of a wooden material storage structure on existing concrete foundation. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile Site No. 9, Belleville, Mifflin County, PA  
**Duration:** 90 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5089** Construction of a wooden material storage structure on existing concrete foundation. Fax (717) 783-7971.

**Department:** Transportation  
**Location:** Stockpile Site No. 01, St. Mary's, Elk County, PA  
**Duration:** 90 calendar days; proposed bid July 1997  
**Contact:** Tina Chubb, (717) 787-7001

**C 88217** Services required for the rehabilitation and construction of pressure treated wooden structures and eroded natural soil paths on Turkey Path Trails at Leonard Harrison and Colton Point State Parks.

**Department:** Conservation and Natural Resources  
**Location:** Leonard Harrison and Colton Point State Parks  
**Duration:** Commence upon execution and terminate on June 30, 1998  
**Contact:** Linda Beaker, (717) 724-3061

**IN-731** Miller Stadium Signage. Consisting of construction of a structural system to support signage at Miller Stadium. The work will entail the installation of the signs and the extension of the required electrical service. Notice to contractors may be requested from IUP. Phone: (412) 357-2289. Fax: (412) 357-6480.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-4851

**IN-732** Chiller replacement Pratt Hall. Consisting of removing existing cement board panels, roofing, metal deck, chiller, condensers, coils, cooling tower, ductwork, piping, valves, wiring, conduit, panels, light fixtures, etc., to furnish and install new roof insulation, EPDM roofing, cement board wall panels, steel beams, ceiling tile, piping, ductwork, insulation, coils, chiller, condensers, pumps, ventilators, electric panelboards, wiring, conduit, lightning protection system, etc. Notice to contractors may be requested from IUP. Phone: (412) 357-2289. Fax: (412) 357-6480.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-4851

**UP-154** Slippery Rock University is accepting sealed bids for the construction of a 5,000 square foot single level wood frame Alumni Facility with adjacent sitework and utility tie-ins. Four prime contracts will be awarded as a result of this solicitation: general, HVAC, plumbing and electrical. The bid package can be obtained by submitting a \$75 non-refundable check to Burt Hill Kosar Rittelmann Associates, 400 Morgan Center, Butler, PA 16001. Telephone: (412) 285-4761. Plans will be made available at the University for viewing by contacting Tod Horner, Project Manager, (412) 738-2534. Dates for the bid opening and pre-bid conference will be listed in the bid package. The bid package should be ready for distribution by June 20, 1997.

**Department:** State System of Higher Education  
**Location:** Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057  
**Duration:** 180 days from Notice to Proceed  
**Contact:** J. F. Revesz, Contracts Manager, (412) 738-2255

## Court Reporting—10

**SP-336375** Provide stenographic reporting services, when required, for the Office of Administrative Law Judge in Philadelphia and Allentown. Travel, subsistence or lodging shall be the sole responsibility of the Contractor.

**Department:** Liquor Control Board  
**Location:** Philadelphia and Allentown, PA  
**Duration:** 8/1/97 through 10/31/99  
**Contact:** Debra L. Brinser, (717) 772-2043

## Engineering Services—14

**08430AG2079** To provide NBIS bridge inspection on seventeen (17) Fracture Critical State-owned bridges in Engineering District 11-0, that is Allegheny, Beaver and Lawrence Counties.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Forty-eight (48) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**RFP 98-06** Kutztown University is seeking proposals from qualified professionals to provide Environmental Engineering and Industrial Hygiene services to the University. The ideal agency will be responsible for but not limited to: identifying, assessing and managing lead-based paint removal, supervising asbestos abatement; evaluating environmental/health risks and monitoring for exposures to substances. All requests for RFP packages should be made in writing and directed to: Barbara Reitz, Director of Purchasing, Kutztown University, Administration Building, Room 224, Kutztown, PA 19530 (phone: (610) 683-4132, Fax: (610) 683-4674, e-mail: reitz@kutztown.edu). The reference RFP number is RFP 98-06. Packages will be available June 9, 1997. There will be a pre-proposal meeting on June 24, 1997 at 1:00 p.m. The proposals are due on July 8, 1997 at 2:00 p.m. Kutztown University encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System, and will consider joint ventures which will enable these firms to participate in system professional service contracts.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19630  
**Duration:** 1 year after Notice to Proceed (option to renew)  
**Contact:** Barbara Reitz, (610) 683-4132

## Environmental Maintenance Services—15

**035** Provide consulting service for the collection of hydrogeologic data for permitting of surface and deep mines and refuse reprocessing. Consultant must be prequalified by the Small Operator Assistance Program in order to be eligible for this activity. If you would like more information about this program, you may call (717) 783-8846. Persons who require an auxiliary aid, service, or other accommodation may use the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 to be connected to (717) 783-8846.

**Department:** Environmental Protection  
**Location:** Room 213 Executive House, Harrisburg, Dauphin County, PA 17105-8461  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Lou DiLissio, (717) 783-8846

**035A** Provide consulting service for the collection of hydrogeologic data for permitting of surface mines and refuse reprocessing operations. Consultant must be prequalified by the Small Operator Assistance Program or Remining Operator's Assistance Program in order to be eligible for this activity. If you would like more information about this program, you may call (717) 783-8846. Persons who require an auxiliary aid, service, or other accommodation may use the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 to be connected to (717) 783-8846.

**Department:** Environmental Protection  
**Location:** Room 213 Executive House, Harrisburg, Dauphin County, PA 17105-8461  
**Duration:** July 1, 1997 to June 30, 1999  
**Contact:** Lou DiLissio, (717) 783-8846

## Financial and Insurance Consulting—17

**BOWC 04-97** Contractor will provide claims administration and rehabilitation services for injured workers where their self-insured employers are in default and for occupational disease fund claims and subsequent injury claims in accordance with the Workers' Compensation and Occupational Disease Acts.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 1171 South Cameron Street, Room 324, Harrisburg, PA 17104-2501  
**Duration:** 01/01/98—01/01/03  
**Contact:** Donna Sherpa, (717) 783-5421

**PSERS-Venture** The Pennsylvania Public School Employees' Retirement System is soliciting a Request for Proposal for Venture Capital Consulting Services for their Public School Employees' Retirement System. The successful contractor will assist the System in the identification, due diligence investigation and recommendation of venture capital investments, as well as continuing monitoring of such investments. Interested parties may request a copy of the Request for Proposal by contacting Marvin Miles, Portfolio Manager of Alternative Investments, Public School Employees' Retirement System, 5 North 5th Street, Harrisburg, PA (717) 720-4718.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** Indeterminate 1996-97  
**Contact:** Rebecca A. Snead, (717) 720-4607

**Food—19**

**6500-056** Furnish, install and maintain equipment, and furnish supplies for the dispensing of carbonated beverages in the institutional Dietary Department. Site visit required.

**Department:** Corrections  
**Location:** State Correctional Institution Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621  
**Duration:** July 1, 1997 through June 30, 2000  
**Contact:** Barbara Swiatek, Purchasing Agent, (717) 735-8754, ext. 260

**6924** Meat and meat products.

**Department:** Military and Veterans Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** August 1997  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

**HVAC—22**

**304-07393** Contractor must provide full coverage maintenance, including labor, materials, and supplies, to ensure that all the air conditioning equipment in the Specs are operating efficiently and effectively at all times at the Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130. Work not addressed in these specs must be approved by DGS. Contractor will be paid only for the time and materials expended. Includes tow (2) Turbomaster water chilling systems, Model L-85, Mfg.: York, Serial No. G210232, 400 H.P.

**Department:** General Services  
**Location:** Buildings and Grounds, Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130  
**Duration:** July 1, 1997 through June 30, 2000  
**Contact:** William Ivers, (215) 560-2518

**KU 97-15** Kutztown University is seeking qualified plumbing and electrical contractors able to replace a Natatorium filtration system, piping and accessories. Work includes but is not limited to: demolition and removal of existing filtration system and associated electrical components. Interested firms can obtain bid packages directly from the professional: STE Architects, 205 West Welsh Drive, Douglassville, PA 19518 (phone: (610) 385-8200) for a non-refundable fee of \$50.00. Bid packages will be available June 9, 1997. There is a pre-bid meeting on June 18, 1997 at 10:00 a.m. Bids are to be received July 3, 1997 by 2:00 p.m. and will be opened on July 7, 1997 at 2:00 p.m. Late submissions will be returned un-opened.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 60 days after Notice to Proceed  
**Contact:** Barbara Reitz, (610) 683-4132

**Emission Monitor Certification** Contractor shall certify the performance of the continuous emission monitor (CEM) as specified by DER and the EPA. Contractor shall also perform nitrogen oxide emissions evaluation. This is a one-time only certification.

**Department:** Corrections  
**Location:** State Correctional Institution Houtzdale, State Route 2007, Houtzdale, PA 16698-1000  
**Duration:** 07/01/97—06/30/98  
**Contact:** Diane K. Davis, Purchasing Agent II, (814) 378-1000

**Janitorial Services—23**

**JC-21-97** Janitorial services—general cleaning five nights a week (Monday—Friday). Daily cleaning will include emptying and wiping all waste receptacles, etc., spot cleaning of walls, electric switch plates, vacuum rugs, and etc. Monthly dusting, washing and polishing of office furniture, etc., dusting and cleaning venetian blinds, cleaning and washing partitions and glass sections and windows, washing walls, scrubbing floors and cleaning restrooms, and scrubbing and application polishing of all floors, and etc. Approximately 9,600 square feet.

**Department:** Labor and Industry  
**Location:** OES, Upper Darby Job Center No. 0116, 71 South Union Avenue, Lansdowne, Delaware County, PA 19050  
**Duration:** October 1, 1997 through September 30, 1998  
**Contact:** Karen B. Pasdon, Manager, (610) 284-6888 or 6887

**Medical Services—29**

**Pharmaceuticals No. 174** Provide prescription pharmaceuticals on a daily basis to Southeast Secure Treatment Unit, West Chester, PA; North Central Secure Treatment Unit, Danville, PA; and Youth Forestry Camp No. 3, James Creek, PA. Multiple contracts could be awarded due to the various locations.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, Locations are listed above and are satellites of Loysville Complex.  
**Duration:** 7/1/97 through 6/30/98  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**Moving Services—30**

**339163** Relocation of laundry equipment: contract to dismantle, transport and reassemble three large pieces of laundry equipment from Harrisburg State Hospital in Harrisburg, PA to Norristown State Hospital, Norristown, PA. Contractor also to set in place said equipment at Norristown State Hospital's laundry in a fully operational order.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** August 1, 1997 to June 30, 1998  
**Contact:** Joseph Zatrutz, Laundry Manager, (610) 270-1487

**Property Maintenance—33**

**025001** Mowing of The Bradford, PA, Bypass. 35 acres to be mowed twice a year.

**Department:** Transportation  
**Location:** Bradford Bypass, Bradford, PA  
**Duration:** 08-01-97 to 07-31-98  
**Contact:** Department of Transportation, (814) 465-7754

**SU-704** Project title: Tennis Court Repairs and Resurfacing. Brief description: Work included under this project consists of all labor, superintendence, materials, tools and equipment and performing all work necessary to repair and resurface fourteen (14) outdoor asphalt tennis courts at Heiges Field House, Shippensburg Township, Cumberland County. Work includes, but is not limited to the following: surface preparation, surface repairing, application, curing and restriping. Pre-bid meeting: 06/12/97, 2:00 p.m., Old Main Room 203B. Bids due: 06/20/97, 4:30 p.m. Bids open 06/23/97, 2:00 p.m. For an invitation to bid write or Fax (717) 530-4004 a request to the point of contact.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, Cumberland County, PA 17257-2299  
**Duration:** July 21, 1997—August 11, 1997  
**Contact:** Edna Fenton, Contract Administrator, (717) 532-1121

**WC 656** West Chester University is soliciting sealed bids for the construction of a women's fast pitch softball field on the University's South Campus property. The work includes the removal of existing infield mix and soil, the construction of a new field at approximately the same location, installation of a warning track and seeding of the outfield area. The work must be completed to NCAA specifications.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA  
**Duration:** Two weeks with all work completed by October 1, 1997  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**Real Estate Services—35**

**989A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 10,583 useable square feet of new or existing office space in Donora, Washington County or Monessen, Westmoreland County, PA, with minimum parking for twenty-seven (27) vehicles, within the following boundaries: Donora, North: 10th Street; South: 4th Street; East: Meldon Street; West: McKean Street; plus the Donora Industrial Park, or Monessen; North: Donner Avenue and Monongahela River; South: Schoonmaker Avenue; East: Monongahela Street; West: Route 906 South to North Charleroi/Monessen Bridge which includes Riverfront Industrial Park. In areas where street or public parking is not available, an additional eighteen (18) parking spaces are required. Proposals due: July 14, 1997. Solicitation No.: 92488.

**Department:** General Services  
**Location:** Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or Cynthia T. Lentz, (717) 787-4394

**Vehicle, Heavy Equipment—38**

**2-0-00340** The Pennsylvania Department of Transportation will be renting one concrete pump trailer mounted with operator for use at various locations within Engineering District 0200.

**Department:** Transportation  
**Location:** Various locations within Engineering District 0200  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Grover C. Beightol, (814) 765-0492

**Miscellaneous—39**

**97-201-002** Contractor to provide varied credit and reporting services to be primarily conducted in all counties of the Commonwealth of Pennsylvania, but also in the USA and Canada.

**Department:** Community and Economic Development  
**Location:** USA and Canada  
**Duration:** July 1, 1997 to June 30, 2002  
**Contact:** Jeannine M. Marttila, (717) 783-8452

**X108102** Provide courier service for transportation of environmental samples from designated pick-up points to the Bureau of Laboratories in Harrisburg, PA. Carrier must be capable of delivering samples within certain timeframes to insure reliable analytical results.

**Department:** Environmental Protection  
**Location:** Bureau of Laboratories, 3rd and Reily Streets, Harrisburg, PA 17102  
**Duration:** 7/1/97—6/30/98 (with option to renew)  
**Contact:** Ally Castaneira, (717) 787-2471

[Pa.B. Doc. No. 97-928. Filed for public inspection June 6, 1997, 9:00 a.m.]



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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1024387-01	05/22/97	Webb's Super-Gro Products, Inc.	13,312.00
1044157-01	05/22/97	Ace Plumbing and Heating Co.	4,095.00
1431156-01	05/22/97	Wenger Corp.	10,517.00
1513226-02	05/22/97	Winner Group, Inc.	15,649.00
1565236-01	05/23/97	ATL East and Label, Inc.	509,612.72
1703116-01	05/22/97	United Restaurant Equipment, Inc.	17,412.00
1704116-01	05/22/97	Ashland Mills	73,500.00
1705116-01	05/22/97	HR Weaver Bld. Systems, Inc.	32,564.00
1713206-01	05/23/97	Direct Tech	16,365.00
1714386-01	05/22/97	Bio-Sun Systems, Inc.	29,470.00
1737116-01	05/22/97	Tri County Carpet Center, Inc.	44,816.40
1741306-01	05/22/97	Harrington and Sons	28,200.00
1747216-01	05/22/97	M. A. Brightbill Body Works, Inc.	40,123.00
1823216-01	05/22/97	Rohrer Bus Sales	30,121.00
1845136-01	05/23/97	KCI	9,700.00

Requisition or Contract #	Awarded On	To	In the Amount Of
1846356-01	05/22/97	Novalynx Corporation	46,455.00
1852046-01	05/22/97	Fauna Research, Inc.	29,294.00
1855116-01	05/23/97	J. Lorber Company	15,400.00
1865076-01	05/22/97	Moore Business Forms	30,375.00
1866216-01	05/22/97	Cumberland Truck Equipment Company	33,788.00
1885156-01	05/22/97	Pierce-Phelps, Inc.	106,159.80
1907386-01	05/22/97	Owens Marine, Inc.	185,627.20
1915206-01	05/22/97	Cardels	3,699.60
1925186-01	05/22/97	Tri State Envelope Corp.	2,362.00
1928116-01	05/23/97	TSI, Inc.	64,356.00
8113050-01	05/22/97	Safety Guard Steel Fabricating	39,850.00
8147280-01	05/22/97	Greer Limestone Company	102,770.02
8217210-01	05/22/97	Barnstead/Thermolyne	31,580.00
8231750-01	05/22/97	Allegheny Power Products, Inc.	23,100.00
8503760-01	05/22/97	Hesco	49,993.24

GARY E. CROWELL,  
Secretary

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