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# PENNSYLVANIA BULLETIN

Volume 26

Number 28

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Pages 3305—3394

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Department of Environmental Protection

Department of General Services

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Turnpike Commission

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

**No. 260, July 1996**

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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 1996.

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# THE GENERAL ASSEMBLY

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

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

### 1996 ACTS—Acts 52 through 66 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1996-52	June 12	SB1371	PN2029	Immediately	Agricultural operation—farm equipment and machinery
1996-53	June 12	HB406	PN3504	Immediately	Administrative Code of 1929—omnibus amendments
1996-54	June 19	HB1047	PN1418	Immediately	Pennsylvania Securities Act of 1972—nonprofit organizations prohibited transactions and criminal penalties
1996-55	June 19	SB1172	PN1948	Immediately	Crimes Code (18 Pa.C.S.)—corrupt organizations
1996-56	June 19	SB698	PN2032	July 1, 1996	Military Affairs (51 Pa.C.S.)—National Guard educational assistance program and powers and duties of Adjutant General, Dept. of Military Affairs and Pa. Higher Education Assistance Agency
1996-57	June 24	SB801	PN2154	Immediately*	Workers' Compensation Act—omnibus amendments
1996-58	June 27	SB1353	PN2196	Immediately	Community and Economic Development Enhancement Act—enactment
1996-59	June 28	SB1325	PN1609	Immediately	Middle Atlantic Interstate Forest Fire Protection Compact Act—admission of other states into compact
1996-60	June 28	HB2305	PN3073	July 1, 1996	Military personnel—college tuition rates for civilian personnel on active duty
1996-61	June 28	HB220	PN3712	Immediately	Commonwealth Day of Prayer and Celebration of Religious Freedom—designation
1996-62	June 28	HB294	PN3518	Immediately	Second Class County Code—omnibus amendments
1996-63	June 28	HB416	PN3653	60 days	Barbers' License Law—supervision of shops
1996-64	June 28	HB1823	PN3606	60 days	Game and Wildlife Code (34 Pa.C.S.)—powers and duties of Pennsylvania Game Commission
1996-65	June 28	HB2261	PN2910	Immediately	William E. Wilson Memorial Bridge—designation
1996-66	June 28	HB1031	PN3809	Immediately	Public School Code of 1949—sabbatical leave and rights during leave of absence

\*with exceptions

### 1996 SPECIAL SESSION APPROPRIATION—Act 1A (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1996-1A	June 28	HB37	PN37	Immediately	Susquehanna River Basin Commission—flood forecast maps

### Effective Dates of Statutes

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

**Advance Copies of Statutes**

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

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

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

CARL MEASE,  
*Acting Director*

[Pa.B. Doc. No. 96-1131. Filed for public inspection July 12, 1996, 9:00 a.m.]

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# THE COURTS

## Title 25—LOCAL COURT RULES

### CARBON COUNTY

#### Amendment of Local Rule L206.1—Motions and Petitions Procedure; No. 96-1298

##### Administrative Order 8-1996

And Now, this 25th day of June, 1996, it is hereby

Ordered and Decreed that the following Local Rule be and is hereby Promulgated to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

In accordance with Pa.R.C.P. 239, seven (7) certified copies of this order shall be filed with the Administrative Office of the Pennsylvania Courts; two (2) certified copies shall be forwarded to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Civil Procedural Rules Committee.

By the Court

JOHN P. LAVELLE,  
President Judge

#### Rule L206.1. Motions and Petitions Procedure.

##### (1) *Motions, Petitions, and Continuances.*

(A) Motions, Petitions, and Continuances shall be submitted to the Civil Filing Office along with the requisite filing fee, without the necessity of presentation to the Court. These matters shall include, but not be limited to, routine Rules to Show Cause, Requests for Hearings, Discovery Motions, Child Custody matters, Requests for Alternative Service, Quiet Title matters, Change of Name proceedings, and Motor Vehicle and Liquor License Suspension Appeals.

(B) After the motion or petition is filed and time stamped, it shall be forwarded by the Civil Filing Office to the Motions and Petitions Coordinator in the Office of Court Administration for Court action and/or scheduling. The Motions and Petitions Coordinator shall return the Order or Rule to the Civil Filing Office in order to conform all copies. The Civil Filing Office shall then file the original signed order and forward by regular mail to each attorney of record or unrepresented party a copy of the Petition or Motion together with the conformed copy of the Order or Rule.

(C) A rule to show cause shall be issued at the discretion of a judge of the court as contemplated by Pa.R.C.P. 206.5. The court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its own discretion, provide for disposition of the matter on briefs without the necessity of oral argument. In such instances, the court shall establish a briefing schedule in its initial order.

(D) *Uncontested Continuances* will be accepted by mail providing they are received at least three (3) working days in advance of the scheduled event. The filing office should stamp the continuance filed and then forward said continuance to the Motions and Petitions Coordinator, who will, in turn, present it to the assigned Judge for disposition and signature. After the continuance is acted upon, it will be delivered to the filing office for completion of docketing and the mailing of the copies. If the continuance

is received *less than three (3) working days* before the scheduled event, the attorney will be required to *personally present* it to the Motions and Petitions Coordinator for processing.

(2) *Filing Requirements.* All Motions and Petitions subject to this rule shall be accompanied by the following items in the following order:

(A) A completed cover sheet in the Form of Exhibit "A";

(B) A proposed order (and rule to show cause, if necessary);

(C) Stamped, addressed envelopes for each attorney of record and unrepresented party;

(D) Sufficient copies of the Petition, Motion and proposed Order or Rules for each attorney of record and unrepresented party; and

(E) Memorandum of Law, if Motion or Petition is contested.

(F) All Motions and Petitions shall be in writing, signed by a party or counsel of record and shall contain the caption of the case, the name, address, telephone number and Supreme Court identification of counsel for the moving party and the names and addresses of adverse parties and their attorneys.

(3) No motion for a preliminary injunction shall be filed unless a complaint in equity has already been docketed in the Civil Filing Office. Upon the filing of said complaint, the attorney presenting said motion shall attach to his motion a copy of his complaint and an affidavit that a preliminary injunction is an appropriate relief. This motion shall then be presented to the Motions and Petitions Coordinator who will present it to the assigned judge.

For any motion for a Temporary Restraining Order to be considered, a brief must be filed prior to the preliminary injunction hearing. The brief shall address, with particularity, why irreparable harm will result if an injunction is not granted and why an adequate remedy at law is not available.

(4) *Response Requirements.* Any party opposing the Motion or Petition shall file the following documents with the Civil Filing Office no later than 4:30 P.M. on the date twenty (20) days after the date of the signing of the Court Order or Rule to Show Cause:

(A) Completed cover sheet in the form of Exhibit "A";

(B) Proposed order;

(C) Answer to the Motion or Petition (if necessary);

(D) Copy of a transmittal letter to each counsel of record and/or unrepresented party; and

(E) A Memorandum of Law.

The filing party shall immediately serve copies of all documents filed in the Civil Filing Office on each attorney of record and unrepresented party.

(5) *Discovery Motions.* Any Motion relating to discovery must be accompanied by a Certificate signed by counsel for the moving party certifying that counsel has conferred with opposing counsel with respect to each matter set forth in the discovery Motion and was unable to resolve the differences which exist. Said Certificate shall set forth the exact time and place of the conference or consultation. Where counsel for the moving party cannot furnish the

required Certificate, he shall furnish an alternate Certificate stating that opposing counsel has refused to so meet and confer and stating such other facts and circumstances supporting the absence of the required Certificate and movant's efforts to obtain compliance by opposing counsel.

(NOTE: This Rule is borrowed from Rule 4 of Local Rules for Fed. Dist. Ct. of Western PA).

(6) The Court shall not act upon any Petition or Motion which does not conform with the provisions of this Rule.

CARBON COURT OF COMMON PLEAS  
CIVIL DIVISION  
MOTION COURT COVER SHEET

\_\_\_\_\_  
vs.  
\_\_\_\_\_

NO. \_\_\_\_\_

FILING OF: \_\_\_\_\_

Movant ( )      Respondent ( )

___ Assigned Judge
___ Court Action Taken
___ Returned to Attorney for Deficiencies
___ Action Deferred by Court
<i>For Court Use Only</i>

TYPE OF FILING (check one):

- ( ) 1. Pretrial Discovery Motion (432)
- ( ) 2. Motion for Discovery in Aid of Execution (480)
- ( ) 3. Preliminary Objections to (576) \_\_\_\_\_
- ( ) 4. Motion for Summary Judgment (306)
- ( ) 5. Motion for Judgment on Pleadings (294)
- ( ) 6. Petition for Leave to Join Additional Defendant (403)
- ( ) 7. Petition for TRO or Preliminary Injunction (438)
- ( ) 8. Petition to Open or Strike Judgment (498)
- ( ) 9. Petition for Alternative Service (409)
- ( ) 10. Petition for Leave to Amend (465) \_\_\_\_\_
- ( ) 11. Petition to Consolidate Actions (424)
- ( ) 12. Petition to Compromise Minor's Action (435)
- ( ) 13. Petition for Leave to Withdraw (510)
- ( ) 14. Petition for Reconsideration (441)
- ( ) 15. Petition for Advancement on Trial List (404)
- ( ) 16. Other Motion or Petition (specify):

( ) 17. Response to: \_\_\_\_\_

OTHER PARTIES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney's Name (Typed) \_\_\_\_\_

Attorney for: \_\_\_\_\_

( ) Movant      ( ) Respondent

N. B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when checking your Motion or Petition.

Exhibit "A"

Rev. 6/12/96

[Pa.B. Doc. No. 96-1132. Filed for public inspection July 12, 1996, 9:00 a.m.]

**TIOGA COUNTY**  
**Rules of Civil Procedure; No. 131 MD 1996**

**Order**

And Now, June 25, 1996, the following Local Rules of the Court of Common Pleas of Tioga County, Pennsylvania are hereby promulgated and adopted for use effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Tioga County is directed to:

1. File seven (7) certified copies of the Order and Rules with the Administrative Office of Pennsylvania Courts;
2. File two (2) certified copies of the Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. File one (1) certified copy of the Order and rules 212.1, 212.2, 216, 1018.1, 1301, 1301.1, 1303 and 1308 with the Civil Procedural Rules Committee pursuant to Pa.R.C.P. 239;
4. File one (1) certified copy of the Order and rules 1910.10, 1915.3 and 1920.55-1 with the Domestic Relations Rules Committee pursuant to Pa.R.C.P. 239;
5. File one (1) certified copy of the Order and rule 303 with the Criminal Procedural Rules Committee pursuant to Pa.R.Crim.P. 6(d).

**Rule TC-212.1. Praecipe for Trial Form.**

\_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
 V. : OF TIOGA COUNTY, PENNSYLVANIA  
 \_\_\_\_\_ : NO. \_\_\_\_\_ CIVIL DIVISION 19 \_\_\_\_

**PRAECIPE FOR TRIAL**

AND NOW, \_\_\_\_\_, 19\_\_ comes the \_\_\_\_\_ by his/her counsel, \_\_\_\_\_, Esq. and requests the Court to schedule the above captioned matter for trial. In support thereof, the \_\_\_\_\_ makes the following statements.

1. That a complaint was filed on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.
2. That all pleadings are closed and all discovery has been completed, including depositions.
3. That all attorneys of record or unrepresented parties (agree/disagree) that the matter is ready for trial. (If all parties do not agree, identify those parties and note their objections.)

WHEREFORE, \_\_\_\_\_ requests the Court to schedule the matter for trial.

**Rule TC-212.2. Pre-Trial Memorandum Form.**

\_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
 V. : OF TIOGA COUNTY, PENNSYLVANIA  
 \_\_\_\_\_ : NO. \_\_\_\_\_ CIVIL DIVISION 19 \_\_\_\_

**PRE-TRIAL MEMORANDUM**

(Representing Plaintiff/Counterclaimant)

1. A brief statement of the factual situation or a reference to the pleadings.
2. An itemized list of all specials, including loss of wages.
3. The amount being demanded, payment of which would result in settlement. This demand to be broken down to reflect the specific amounts being demanded for specials, pain and suffering, permanent injury, loss of consortium, etc.

(Representing Defendant/Plaintiff as Additional Defendant)

1. Paragraphs in plaintiff's complaint which will be admitted at trial without requirement of proof.
2. The defense to be presented to plaintiff's claim.
3. The offer being made which, if accepted, would result in settlement.

All previous local rules of Tioga County, excluding the Orphans Court rules, are repealed on the effective date of the new rules.

*By the Court*

ROBERT E. DALTON, Jr.,  
*President Judge*

**BUSINESS OF COURT**

**Rule TC-205.1. Filing Legal Papers.**

Any legal paper which requires the signature of or action by the Court including but not limited to motions, petitions, objections, exceptions and rules to show cause shall be filed as follows:

- (1) original with the Prothonotary's office,
- (2) one copy with the Court Administrator,
- (3) copies to all counsel of record or unrepresented parties.

**Rule TC-212. Pre-Trial Conference.**

(a) Upon the filing of a Praecipe for Trial which shall be substantially in the form set forth in Rule TC-212.1, the Court Administrator shall schedule a date and time certain for a Pre-Trial Conference which date shall not be less than thirty (30) days after the filing date.

(b) A Pre-Trial Memorandum substantially in the form set forth in Rule TC-212.2 shall be prepared and submitted by all parties at the time of the conference with copies provided to all other parties.

(Both Plaintiff & Defendant)

4. The names and addresses of all witnesses to be called, including a designation as to whether the witness will testify to liability or damages.
5. A list of exhibits to be offered, including a brief description of each.
6. A summary of expected expert testimony if the expert will testify in person and a copy of any expert's report.
7. Legal issues or questions which will likely require rulings by the Court, together with any citations which will support rulings to be requested.
8. Estimated time for trial of the case.
9. Any legal or factual issues to which the parties will stipulate.
10. A copy of any plan or plot to be introduced into evidence. In negligence cases, there shall be a drawing or plot of the accident submitted at the pre-trial conference.

In addition, all attorneys shall be accompanied by or have direct access to their respective parties or representatives who have the authority to agree upon a settlement or the attorney shall have such authority.

**Rule TC-216. Continuances.**

All requests for the continuance of any hearing scheduled by the Court shall be filed in writing unless waived by the Court.

**ACTIONS AT LAW**

**Rule TC-1018.1. Notice to Defend.**

The agency to be named in all Notices to Defend from whom legal help may be obtained shall be:

Susquehanna Legal Services  
79 Nichols St.  
Wellsboro, PA 16901  
(717) 724-3464

**COMPULSORY ARBITRATION**

**Rule TC-1301. Scope.**

(a) All civil actions wherein the amount in controversy is within the limits set by Section 7361 of the Judicial Code, 42 Pa.C.S.A. 7361, shall first be submitted to and heard by a board of arbitrators.

(b) Referral to arbitration shall be accomplished by the filing of a Praecipe for Arbitration substantially in the form set forth in Rule TC-1301.1, or by order when the Court determines that proper jurisdiction of a civil action lies before arbitrators.

**Rule TC-1301.1. Praecipe for Arbitration Form.**

		: IN THE COURT OF COMMON PLEAS
V.		: OF TIOGA COUNTY, PENNSYLVANIA
		: NO. _____ CIVIL DIVISION 19 ____

**PRAECIPE FOR ARBITRATION**

AND NOW, \_\_\_\_\_, 19\_\_ comes the \_\_\_\_\_ in the above captioned matter and requests the Court to schedule an Arbitration for the reasons more fully set forth below:

- (1) That the amount in controversy is within the limits set forth in 42 Pa.C.S.A. 7361.
- (2) That the matter does not involve title to real estate.
- (3) That the matter does not require equitable or declaratory relief.

WHEREFORE, \_\_\_\_\_ requests the Court to appoint a board of arbitrators and schedule the matter for arbitration.

**Rule TC-1302. List of Arbitrators.**

(a) All members of the bar within Tioga County shall be eligible to serve as arbitrators unless a written waiver is filed in the Prothonotary's office.

(b) The Prothonotary shall list available arbitrators alphabetically by surname and selection shall be made alphabetically taking into consideration the requirements and limitations set forth in Pa.R.C.P 1302.

**Rule TC-1303. Hearing. Notice.**

(a) Subsequent to the filing of a Praecipe for Arbitration and the appointment of arbitrators, the Court Administrator shall provide written notice of the date and

time for arbitration to all counsel of record or unrepresented parties and to the arbitrators.

**Rule TC-1308. Arbitrators' Compensation.**

Each member of a board of arbitrators who has signed the award or filed a minority report shall receive as compensation a fee of forty dollars (\$40) per hour for hearing and deliberation time.

**ACTIONS FOR SUPPORT**

**Rule TC-1910.10. Alternate Hearing Procedures.**

The Court adopts the alternative hearing procedures as set forth in Pa.R.C.P. 1910.12.



**ACTIONS OF DIVORCE**

**Rule TC-1920.55-1. Procedures for Matters Referred to Master.**

All divorce proceedings shall be conducted in accordance with Pa.R.C.P. 1920.55-2.

**ACTIONS FOR CUSTODY/VISITATION**

**Rule TC-1915.3. Commencement of Action.**

(a) Upon the filing of a Complaint for Custody, Partial Custody or Visitation, the matter shall be referred to the Child Custody Conference Officer for an informal conference among the parties.

(b) At the time of the conference, an attempt shall be made to reach an amicable agreement between the parties.

(1) If an agreement is reached, it shall be reduced to writing, signed by all parties and submitted to the Court for approval and order.

(2) If no agreement is reached, the officer shall prepare a biographical history of the parties and recommend the Court order such psychological testing, counseling, home studies or mediation as the Court shall deem appropriate. Thereafter, the matter shall be scheduled for a hearing before the Court.

(c) Costs of such psychological testing, counseling, home studies or mediation shall be assessed by the Court.

**RULES OF CRIMINAL PROCEDURE**

**Rule TC-303. Arraignment.**

All defendants are required to appear in open court for purposes of Arraignment.

**RULES OF JUDICIAL ADMINISTRATION**

**Rule TC-1901. Termination of Inactive Cases.**

The Court Administrator shall, on a quarterly basis, list for general call all civil, criminal and orphans court matters in which no steps or proceedings have been taken for one (1) year or more prior thereto and shall give notice thereof to all counsel of record or unrepresented parties as provided by Pa.R.J.A. 1901(c). If no good cause for continuing a proceeding is shown at or before the general call, an order for dismissal shall be entered forthwith by the Court.

**RULES GOVERNING DISTRICT JUSTICES**

**Rule TC-1005. Service of Notice of Appeal.**

In lieu of service or proof of service by personal service or certified or registered mail, an appellant may file with the notice of appeal a stamped envelope self-addressed to the appellee at the address listed on the complaint form filed in the office of the district justice, or the attorney of record if there is one, AND a stamped envelope pre-addressed to the district justice in whose office the judgment was rendered. Copies of the notice of appeal and rule, if applicable, shall thereupon be mailed by the Prothonotary by first class mail, with such service and any return being noted on the docket.

[Pa.B. Doc. No. 96-1133. Filed for public inspection July 12, 1996, 9:00 a.m.]

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**COMMONWEALTH COURT**

**Regular Sessions of Commonwealth Court for the Year 1997; No. 126 M. D. No. 3**

**Order**

And Now, this 24th day of June, 1996, pursuant to Pa.R.A.P. 3703, the following calendar is fixed for the year 1997:

<i>Session</i>	<i>Situs</i>
February 3-7	Philadelphia
March 10-14	Pittsburgh
April 7-11	Harrisburg
May 5-9	Philadelphia
June 2-6	Pittsburgh
September 8-12	Harrisburg
October 6-10	Philadelphia
November 3-7	Pittsburgh
December 8-12	Harrisburg

*By the Court*

JAMES GARDNER COLINS,  
*President Judge*

[Pa.B. Doc. No. 96-1134. Filed for public inspection July 12, 1996, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 22—EDUCATION

### HIGHER EDUCATION ASSISTANCE AGENCY

#### [22 PA. CODE CH. 121]

#### Loan Program Amendments

The Higher Education Assistance Agency (Agency), under authority contained in section 4 of the act of August 7, 1963 (P. L. 549, No. 290) (24 P. S. § 5104), section 1 of the act of January 25, 1966 (P. L. 1546, No. 541) (24 P. S. § 5151), the act of July 18, 1974 (P. L. 483, No. 174) (24 P. S. §§ 5181—5189), the act of July 1, 1988 (P. L. 1259, No. 155) (24 P. S. §§ 5191—5197) and the act of June 26, 1992 (P. L. 322, No. 64) (24 P. S. §§ 5198.1—5198.7) is amending Chapter 121 (relating to student financial aid).

The changes affect the State Grant Program (24 P. S. § 5152.1), Institutional Assistance Grants Program (24 P. S. §§ 5181—5197), Loan Programs (24 P. S. § 5104), Urban and Rural Teacher Loan Forgiveness Program (24 P. S. §§ 5191—5197) and the Agricultural Education Loan Forgiveness Program (24 P. S. §§ 5198.1—5198.7).

#### *Public Comment*

Written comments, suggestions and objections were solicited within a 30-day period after the publication date. As a result of the comments received from the Independent Regulatory Review Commission (IRRC) and the standing committees, numerous revisions were made to the proposed amendments. These final-form regulations now include language revisions to clarify the meaning of various sections. The revisions do not, however, enlarge the original purpose of the proposed rulemaking.

#### *Summary of Changes*

##### *Comments*

#### 1. *Comment:*

The House Education Committee (Committee) inquired into the potential fiscal impact upon the Commonwealth due to the adoption and implementation of these amendments.

#### *Response:*

There should be no additional impact upon the Commonwealth due to the adoption and implementation of these amendments.

#### 2. *Comment:*

The Committee inquired as to whether the Agency planned to promulgate regulations for the Keystone Stafford Loan Program.

#### *Response:*

No additional regulations will be promulgated in relation to the Keystone Stafford Loan Program.

#### 3. *Comment:*

The Committee and IRRC recommended including within the final-form regulations provisions relating to the eligibility of part-time students for State Grants, and addressing the qualifications for scholarship awards as provided for by the General Assembly under Act 1994-83.

#### *Response:*

The Agency has complied with these recommendations by including within the final-form version of these

amendments to §§ 121.5, 121.6 and 121.49 (relating to enrollment; denial of eligibility for financial assistance; and duration of State higher education grants).

#### 4. *Comment:*

*Section 121.1. Definitions*—IRRC made a number of recommendations including: that the Agency define the acronym “PLUS”; that the Agency delete the term “Executive Director” and replace it with the term “President and Chief Executive Officer”; that the Agency modify the definition of “full-time basis”; that the Agency establish a separate definition for the “Federal Family Education Loan Program” in the final-form version of the rulemaking; and, that the Agency add a definition of “emergency action.”

#### *Response:*

“Federal PLUS Loan”—Federal legislation no longer contains a reference to “PLUS” as an acronym; therefore, the definition as written complies with Federal law and regulations.

“President and Chief Executive Officer”—The Agency has complied with IRRC’s recommendations.

“Full-time basis (except for purposes of the Federal Stafford Loan and the Federal PLUS Loan Programs)”—The Agency has deleted this term from the definition section, and included in § 121.5 of the final rulemaking the substantive provisions referenced by IRRC.

“Federal Family Education Loan (FFEL) Program”—The Agency has added a definition of “Federal Family Education Loan Program.”

“Emergency action”—The Agency has added a definition to § 121.1.

#### 5. *Comment:*

*Section 121.31. Approved institutions in Federal Stafford Loan and Federal PLUS Loan Programs. Section 121.91. Approved lending institutions in Federal Stafford Loan, Federal PLUS Loan, Federal Consolidation Loan Programs.* IRRC and the Committee had several comments concerning these sections, including that the Agency include provisions for standards of conduct in §§ 121.31 and 121.191 of the proposed amendments; that the Agency delineate with greater specificity the additional administrative requirements with which institutions are required to comply; that the Agency provide that institutions requesting a hearing may do so at least 5 business days prior to the effective date of the suspension; that the Agency indicate that § 121.191(h)(2) refers specifically to lending institutions; that the Agency indicate the manner in which decisions to limit, suspend or terminate institutional participation will be conveyed; that the section provides the Board of Directors the authority to order oral argument; that the section provide that the decision of the Board of Directors is final upon mailing; and, that the section provides that notices of appeal are to be filed within 30-calendar days after the entry of the order from which the appeal is taken.

#### *Response:*

The Agency has incorporated into these final-form regulations the recommendations made by the Committee and IRRC.

6. *Comment:*

*Section 121.32. Approved institutions in higher education grant program.* The Committee and IRRC recommended that the Agency provide greater specificity in the regulation as to additional administrative requirements that the Agency will promulgate. IRRC expressed concerns with subsection (b)(1) requiring that colleges and universities outside this Commonwealth be operated not-for-profit and subsection (b)(3) which requires that trade, technical or business schools located outside this Commonwealth be operated not-for-profit. IRRC indicated that the proposal is silent on not-for-profit requirements for colleges and universities within this Commonwealth, hospital schools of nursing within this Commonwealth and outside this Commonwealth, and for trade, technical or business schools located within this Commonwealth. The Commission requested that the Agency explain the purpose of the not-for-profit requirement and the rationale for its application to institutions located outside this Commonwealth.

*Response:*

The Agency has, within these final-form regulations, clarified the additional administrative requirements. As to the Commission's concern with the exclusion of profit-making schools located outside this Commonwealth, the rationale for this distinction is based upon the Agency's historical concern with the absence of adequate oversight of the such out-of-State institutions on a National basis. Within this Commonwealth, the oversight is provided by the State Board of Private Licensed Schools and the Department of Education. Moreover, the Commonwealth has a legitimate interest in enhancing the ability of residents to elect enrollment in a Pennsylvania postsecondary institution. Under its enabling legislation, the Board of Directors has the authority to establish program parameters. Furthermore, the Agency notes that this section is consistently applied to institutions located within this Commonwealth and to those located outside this Commonwealth, although it is not the same for both.

7. *Comment:*

*Section 121.34. Institutional appeals and hearings (other than the Federal Family Educational Loan Program).* This section provides for appeals and hearings by an educational institution in cases where the Agency suspends the processing of student aid requests or ceases disbursement of funds to the institution. IRRC recommended that the Agency establish a time frame within which to schedule appeals.

*Response:*

The Agency has modified this section in the final rulemaking to provide that appeals will be scheduled for hearing within 30 days from the date on which the appeal is filed.

8. *Comment:*

*Section 121.61. Submission and processing of applications.* This section provides direction to a student in obtaining a loan application packet. IRRC recommended that the language of this provision be modified to indicate that the information provided on the form will be used to determine the eligibility of the applicant to receive a Federal Stafford Loan. IRRC also recommended that the title of Subchapter C, Loan Guaranty Program, be replaced with the subchapter title "Federal Stafford Loan Program" which would be consistent with the name change provided in the subchapter.

*Response:*

The Agency has complied with IRRC's recommendations.

9. *Comment:*

*Section 121.131. Submission and processing of applications. Section 121.181. Submission and processing of applications.* These sections provide direction for submission and processing of applications for the PLUS Program and the Consolidation Loan Program, respectively. IRRC recommended a change to this provision to clarify that it is the information provided on the form that is used to determine the eligibility of the applicant rather than the form itself. IRRC additionally recommended that § 121.181 set forth language indicating that a lender shall provide an adverse action notice to the borrower if loan assistance is denied.

*Response:*

The Agency has complied with the Commission's recommendations.

10. *Comment:*

*Section 121.201. Application of Existing Agency Regulations.* This provision states that the regulations contained in Subchapters A and B apply to applicants in the Urban and Rural Teacher Loan Forgiveness Program "except those provisions which are inconsistent with this subchapter." The Commission recommended that the Agency either specifically cite to inconsistent provisions or delete this phrase from the final form version of the rulemaking.

*Response:*

The Agency has deleted this phrase from the final-form version of the rulemaking.

11. *Comment:*

*Section 121.204. Teaching Commitment.* IRRC recommended that the Agency refine in the final-form version the reference to "other criteria for eligibility."

*Response:*

The Agency has revised this subsection to address IRRC's concerns.

12. *Comment:*

*Section 121.302. Application of existing Agency Regulations.* This section states that enumerated sections of the higher education grant regulations apply to applicants in the Agricultural Loan Forgiveness Program "except those provisions which are inconsistent with this subchapter." IRRC recommended that inconsistent provisions either be specifically cited, or that this phrase be deleted from the final-form version of the rulemaking.

*Response:*

The Agency has deleted this provision from the final-form version of the rulemaking.

13. *Comment:*

*Section 121.304. Loan forgiveness.* This section contains provisions for eligibility for payment of loans by the Agency. Applicants engaged in the mixed practice of veterinary medicine are required to spend a portion of their activity in the protection and enhancement of agricultural animal health and productivity. IRRC recommended that the Agency add a provision to this section clarifying that the Agency will forgive a proportional part of the applicant's loan commensurate with the portion of

activity conducted in the protection and enhancement of agricultural animal health and productivity.

*Response:*

The Agency has indicated that the portion of work devoted to farm animals defines only the eligibility requirements of the applicant; there is no correlation in the statute between the amount of time the applicant spends working with farm animals and the payment of a portion of the debt by the Agency. Therefore, the section in its proposed form is consistent with the statute. The Agency has interpreted the term "a proportional part of the applicant's loan" to mean the maximum amount permitted by law or some amount less than the maximum, depending on the outstanding loan balance. The Department of Agriculture agrees with the Agency's interpretation of the act.

14. *Comment:*

*Section 121.305. Employment verification.* IRRC recommended that the statement "other criteria for eligibility" as contained in § 121.305 either be deleted or that any additional criteria for eligibility be clearly stated.

*Response:*

The Agency has revised the section to address the Commission's concerns.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 1995, the Agency submitted a copy of the notice of proposed rulemaking, published at 25 Pa.B. 1860 (May 13, 1995), to IRRC and the House Education Committee and the Senate Education Committee for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Agency also provided IRRC and the Committees with copies of the comments received as well as other documentation.

In preparing these final-form regulations, the Agency has considered the comments received from IRRC, the Committees and the public.

In accordance with section 5(c) of the Regulatory Review Act, these final-form regulations were deemed approved by the House Education Committee and the Senate Education Committee on April 29, 1996. IRRC met on May 2, 1996, and approved the regulations.

*Findings*

The Agency finds that:

(1) Public notice of the Agency's intention to adopt the amendments was 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 amendments adopted by this order are necessary and appropriate for the administration of the act.

*Order*

The Agency, acting under its authorizing statute, therefore, orders that:

(a) The regulations of the Agency, 22 Pa. Code Chapter 121, are amended by amending §§ 121.1—121.3, 121.5, 121.6, 121.31, 121.32, 121.34, 121.35, 121.44, 121.49, 121.50, 121.55, 121.61, 121.65, 121.69, 121.70, 121.72, 121.121, 121.123, 121.124, 121.131, 121.135, 121.137, 121.139—121.142, 121.181—121.184 and 121.191; by deleting §§ 121.66 and 121.136; and by adding §§ 121.201—121.207 and 121.301—121.306, to read as set forth in Annex A.

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

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

(d) This order shall be effective upon publication in the *Pennsylvania Bulletin*.

MICHAEL H. HERSHOCK,  
*President and Chief Executive Officer*

*(Editor's Note:* The following sections, amended in this document, were not included in the proposal at 25 Pa.B. 1860 (May 13, 1995): §§ 121.5, 121.6, 121.49 and 121.50.

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 2369 (May 18, 1996).)

**Fiscal Note:** Fiscal Note 58-22 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 22. EDUCATION**

**PART VIII. HIGHER EDUCATION ASSISTANCE AGENCY**

**CHAPTER 121. STUDENT FINANCIAL ASSISTANCE**

**Subchapter A. GENERAL PROVISIONS**

**MISCELLANEOUS**

**§ 121.1. Definitions.**

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

*Academic term*—A semester, trimester or quarter.

*Academic year*—A period that begins on the first day of classes or examinations and that is a minimum of 30 weeks of instructional time during which, for an undergraduate educational program, a full-time student is expected to complete at least 24 semester or trimester hours or 36 quarter hours at a school which measures program length in credit hours or at least 900 clock hours at a school which measures program length in clock hours.

*Agency or PHEAA*—The Pennsylvania Higher Education Assistance Agency.

*Board*—The Board of Directors of the Agency.

*Emergency action*—Immediate action undertaken against institutions by the President and Chief Executive Officer in a manner consistent with § 121.31(d) (relating to approved institutions in Federal Stafford Loan and Federal PLUS Loan Programs) to withhold the processing of loan applications of the institution; and in a manner consistent with § 121.191(d) (relating to administrative loan collection review procedures) against a lending institution to withhold the processing of loan applications for students borrowing through the institution.

*Federal Consolidation Loan*—A loan made in accordance with section 428C of the Higher Education Act of 1965 (20 U.S.C.A. § 1078-3).

*Federal Family Education Loan (FFEL) Program*—The loan program (formerly called the Guaranteed Student Loan (GSL) Program) authorized by Title IV-B of the

Higher Education Act of 1965 (20 U.S.C.A. §§ 1071—1087-2), including the Federal Stafford Loan, Federal PLUS, Federal Supplemental Loans for Students (Federal SLS) and Federal Consolidation Loan Programs, in which lenders use their own funds to make loans to enable students or their parents to pay the costs of the student's attendance at eligible institutions.

*Federal PLUS Loan*—A loan made in accordance with section 428B of the Higher Education Act of 1965 (20 U.S.C.A. § 1078-2).

*Federal Stafford Loan*—A loan made in accordance with section 428, if subsidized, or section 428H, if unsubsidized, of the Higher Education Act of 1965 (20 U.S.C.A. §§ 1078 and 1078-8).

*Full-time basis (except for purposes of the Federal Stafford Loan and Federal PLUS Loan Programs)*—The equivalent of 12 semester credits or 450 clock hours of instruction per academic term. If the schedule of a program of study offered on a clock-hour basis does not permit the equivalent of 450 clock hours of instruction per term, full-time enrollment shall be defined as 24 clock hours of instruction per week.

*Full-time basis (for purposes of the Federal Stafford Loan and Federal PLUS Loan Programs only)*—To be considered enrolled on a full-time basis, a student shall be carrying a full-time academic work load (other than by correspondence) as determined by the institution under a standard applicable to the students enrolled in a particular educational program. The student's work load may include any combination of courses, work, research or special studies that the institution considers sufficient to classify the student as a full-time student. For undergraduate students, an institution's minimum standard shall equal or exceed one of the following minimum requirements:

- (i) Twelve semester hours or 12 quarter hours per academic term in an educational program using a semester, trimester or quarter system.
- (ii) Twenty-four semester hours or 36 quarter hours per academic year in an educational program using credit hours but not using a semester, trimester or quarter system or the prorated equivalent for a program of less than 1 academic year.
- (iii) Twenty-four clock hours per week for an educational program using clock hours.
- (iv) A series of courses or seminars that equals 12 semester hours or 12 quarter hours in a maximum of 18 weeks.
- (v) The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic work load of a full-time student.
- (vi) Other requirements as prescribed by Federal regulations.

*Guaranteed Student Loan Program*—A Federal loan guaranty program administered by the Agency that enables qualified students to secure long-term educational loans to meet the costs of postsecondary education. On July 23, 1992, Federal law (Pub.L. No. 102-325), the Higher Education Amendments of 1992, changed the name of the program to The Federal Family Education Loan Program. Whenever the term is used in this chapter, it refers to and shall be regarded as, "The Federal Family Education Loan Program."

*Guardian*—For purposes of determining domicile, a person other than a parent with whom an applicant has

lived and in whose continuous direct care and control the applicant has been for a period of at least 2 years.

*Half-time basis*—At least 1/2 the work load of a full-time student, except students enrolled solely in an eligible program of study by correspondence cannot be considered more than half time.

*Hearing examiner*—A neutral third party, not an employe or staff member of the Agency, appointed by a designated Agency official to conduct hearings on Agency matters, consider written materials, weigh the evidence presented and issue impartial decisions.

*Parent (for purposes of borrowing under the Federal PLUS Loan Program)*—A student's mother or father or legal guardian. An adoptive parent is considered to be the person's mother or father.

*President and Chief Executive Officer*—The President and Chief Executive Officer of the Agency.

*Quarter*—A period of approximately 11 weeks normally comprising 1/3 of the academic year.

*SAT*—The College Entrance Examination Board's Scholastic Assessment Test.

*Semester*—A period of approximately 17 weeks normally comprising 1/2 of the academic year.

*Trimester*—A period of approximately 15 weeks normally comprising 1/2 of the academic year.

*Veteran*—A person who engaged in active service in the United States Army, Navy, Air Force, Marines or Coast Guard and was released under a condition other than dishonorable, or will be by June 30 of the academic year for which the application is made, or who was a National Guard or Reserve enlistee who participated in Operation Desert Shield/Storm and was discharged from active duty. ROTC students, cadets or midshipmen at the service academies, National Guard or Reserve enlistees participating in Operation Desert Shield/Storm and not yet discharged from active duty, National Guard or Reserve enlistees who were not activated for duty, or those currently serving in the United States Armed Forces and will continue to serve through June 30 of the academic year for which application is made are not considered veterans.

### § 121.2. Citizenship.

To be eligible for a Federal Family Education Loan, a student or parent borrower shall be, on or before the date of filing the loan guaranty application, one of the following:

- (1) A citizen or National of the United States.
- (2) In the United States for other than a temporary purpose and intending to become a permanent resident thereof; except that a student who is a permanent resident alien attending an educational institution outside the United States is not eligible to receive a Federal Stafford Loan or to have the parent of the student receive a Federal PLUS Loan on behalf of the student. For the purposes of this paragraph, the United States includes the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific and the Northern Mariana Islands.

### § 121.3. Discrimination prohibited.

The race, religious creed, color, sex, National origin, ancestry, handicap, age or marital status of a student or parent applicant will not be factors of consideration for eligibility except to the extent that adjustments or allowances based on marital status may be necessary within

the State Higher Education Grant and the Federal Family Education Loan Programs to properly reflect the ability of the family to finance costs of education.

**§ 121.5. Enrollment.**

(a) *Student and parent loans.* For a student or a parent of a student to be eligible for a loan guaranty, a student shall be or be about to be enrolled in an approved institution of higher learning on at least a half-time basis and be maintaining satisfactory progress as determined by the school.

(b) *Higher education grants.* To be eligible for a State higher education grant, a student shall be or be about to be enrolled in an approved institution of higher learning on at least a half-time basis. In addition, the President and Chief Executive Officer may treat students as full time if unusual circumstances would not permit the student to comply with the exact full-time basis requirements as defined in § 121.1 (relating to definitions). In these instances, the President and Chief Executive Officer will thereafter notify the Board of his action.

**§ 121.6. Denial of eligibility for financial assistance.**

(a) To be eligible for a State higher education grant, a student applicant or recipient shall have and maintain satisfactory character. In determining whether an applicant or recipient has satisfactory character, the Agency may consider, among other factors, convictions of any of the following offenses:

(1) A criminal offense which under the laws of the United States or any state constitutes a felony.

(2) A criminal offense which under the laws of the Commonwealth constitutes murder of the first degree, felony of the first degree, felony of the second degree, felony of the third degree, misdemeanor of the first degree, misdemeanor of the second degree or misdemeanor of the third degree.

(3) A violation of section 13 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-113), except for section 13(a)(31) (35 P. S. § 780-113(a)(31)) thereof.

(b) If a State grant applicant is incarcerated, which shall be interpreted to mean confinement in a prison but to exclude residence in a "halfway house" under a so-called prerelease program, the applicant will not be eligible for State grant aid until the applicant has been released from incarceration.

(c) An applicant for any form of financial assistance may be denied eligibility if the Agency determines that the applicant or another member of the applicant's family upon whom the applicant depends for support has submitted fraudulent information to the Agency.

(d) An applicant for any form of financial assistance may be denied eligibility if the Agency determines that the applicant has used educational loan funds for other than educational purposes.

(e) Eligibility for financial assistance may be denied to a person who owes a refund in a grant program as described in the Higher Education Act of 1965, act of November 8, 1965 (Pub.L. No. 89-329, 79 Stat. 1219), or on a State higher education grant.

(f) Nothing in this section limits the freedom of a student to verbal or other lawful expression of individual views or opinions.

(g) A student denied financial assistance under this section shall be afforded full recourse through an appeal

to the Committee on Appeals, the Board and the courts to seek reinstatement of assistance if the assistance is determined to have been improperly denied.

**EDUCATIONAL INSTITUTIONS**

**§ 121.31. Approved institutions in Federal Stafford Loan and Federal PLUS Loan Programs.**

(a) To be approved, an institution shall comply with the following:

(1) The institution shall be approved by the United States Secretary of Education as an eligible institution for participation in the Federal Stafford Loan or Federal PLUS Loan Programs.

(2) The institution shall have executed an Assurance of Compliance with 42 U.S.C.A. § 2000d-1 (1974) and filed it with the United States Secretary of Education.

(3) The institution shall have executed and filed with the Agency an agreement, on a form provided by the Agency, to report to or advise the Agency if the institution has knowledge of the name and address of Commonwealth resident students who are recipients or beneficiaries of Agency-administered aid who have been convicted in any court of record of any criminal offense which under the laws of the United States or of the Commonwealth would constitute a felony committed after October 29, 1969. Institutional knowledge shall be facts contained in the academic, disciplinary or financial student records of the institution and facts known to the dean of students, director of financial aid and president of the institution or persons occupying these positions by titles designated by the institution.

(b) The institution shall comply with 34 CFR 668.82 (relating to standard of conduct) and other laws and regulations governing the Federal Stafford Loan and PLUS Loan Programs.

(c) Mailing dates and receipt dates referenced in this section shall be evidenced by United States Postal Service receipts. If an institution refuses or fails to accept a notice mailed as set forth in this section, the Agency shall consider the notice as being received on the date that the institution refuses or fails to accept the notice as noted by the United States Postal Service.

(d) The following provisions deal with emergency action:

(1) The President and Chief Executive Officer may take emergency action as follows against an institution under which the processing of loan applications for students at the institution is withheld if the President and Chief Executive Officer:

(i) Receives information, determined by an Agency official to be reliable, that the institution is violating applicable laws, regulations, special arrangements, agreements or limitations.

(ii) Determines that immediate action is necessary to prevent misuse of funds of the programs authorized by Title IV of the Higher Education Act of 1965 (20 U.S.C.A. §§ 1071—1099c-1).

(iii) Determines that the likelihood of loss outweighs the importance of awaiting completion of procedures set forth for suspension, limitation or termination in subsection (e).

(2) The Agency will begin an emergency action by notifying the institution by certified mail, with return receipt requested, of the emergency action and the basis on which the action is taken. The institution shall have

an opportunity to show cause that the emergency action is unwarranted via submission of written documentation to the President and Chief Executive Officer. The effective date of the action shall be the date on which the notice is mailed to the institution.

(3) An emergency action may not exceed 30 calendar days unless a suspension, limitation or termination proceeding is begun under this section before the expiration of that period. In this case, the period may be extended until the completion of that proceeding, including any appeal to the Board of Directors.

(e) The following provisions deal with suspension, limitation or termination:

(1) The President and Chief Executive Officer may suspend the eligibility of an institution to participate in the Federal Stafford Loan and Federal PLUS Loan Programs if the institution violates any applicable laws, regulations, special arrangements or agreements. The suspension may not exceed 60-calendar days unless the institution and the President and Chief Executive Officer agree to an extension if the institution has not requested a hearing or the Agency begins a limitation or termination proceeding under this section.

(i) A designated Agency official will notify the institution by certified mail, with return receipt requested, of the Agency's intent to suspend the institution from the Federal Stafford Loan and Federal PLUS Loan Programs, citing the consequences of that action and identifying the alleged violations on which the proposed action is based. The initially designated beginning date of suspension shall be at least 20-calendar days from the date the letter of intent is mailed.

(ii) The institution subject to the suspension notice may request in writing a hearing before a hearing examiner or submit written material for consideration by the designated Agency official. If the institution submits written material or requests a hearing at least 5-calendar days prior to the effective date of suspension, the designated suspension date shall automatically be delayed until after a final determination is made.

(iii) If the institution does not request a hearing but submits written material, the designated Agency official will review the material and notify the institution that either the proposed suspension is dismissed or the suspension is effective as of a specified date.

(iv) If the institution requests a hearing at least 5-calendar days prior to the effective date of suspension, the date of the hearing will be scheduled at least 15-calendar days after receipt of the request.

(A) A hearing examiner selected by the President and Chief Executive Officer will conduct the hearing at the Agency's principal office, and a written record shall be made.

(B) The hearing examiner will consider the written material presented before the hearing and the evidence presented at the hearing.

(C) The hearing examiner will issue a decision to either uphold the suspension or to dismiss it and inform the President and Chief Executive Officer and institution of this decision in writing within 30-calendar days of the conclusion of the hearing.

(D) The hearing examiner's decision is final unless appealed under subsection (g). If the decision is in favor of suspension, the Agency will send a notice to the institution which sets forth the effective date of the suspension.

(E) If the Agency begins a limitation or termination proceeding before the suspension period ends, the suspension period may be extended until the completion of the new proceeding.

(F) The President and Chief Executive Officer will inform the United States Department of Education of actions taken or decisions made by the Agency in regard to the suspension so the United States Department of Education can take appropriate action.

(v) In accordance with 1 Pa Code §§ 35.111—35.116 (relating to prehearing conferences), at any time prior to or during the hearings, the Agency may schedule a conference with the parties.

(2) If the institution violates any applicable laws, regulations, special arrangements or agreements, the President and Chief Executive Officer may limit the number or percentage of borrowers who may receive loan guaranties to attend an institution; may limit, for a stated period of time, the percentage of an institution's total receipts from tuition and fees derived from loan guaranties; may impose a requirement that an institution obtain a bond in a specified amount to assure its ability to meet its financial obligations to borrowers who receive loan guaranties; or may impose other conditions deemed to be reasonable and appropriate.

(i) A designated Agency official will notify the institution by certified mail, with return receipt requested, of the Agency's intent to limit the institution's participation in the Federal Stafford Loan and Federal PLUS Loan Programs, citing the consequences of that action and identifying the alleged violations on which the proposed action is based. The initially designated beginning date of limitation shall be at least 20-calendar days from the date the letter of intent is mailed.

(ii) The institution subject to the limitation notice may request in writing a hearing before a hearing examiner or submit written material for consideration by the designated Agency official. If the institution submits written material or requests a hearing at least 5-calendar days prior to the effective date of the limitation, the designated limitation date shall automatically be delayed until after a final determination is made.

(iii) If the institution does not request a hearing but submits written material, the designated Agency official will review the material and notify the institution that either the proposed limitation is dismissed or the limitation is effective as of a specified date.

(iv) If the institution requests a hearing at least 5-calendar days prior to the effective date of limitation, the date of the hearing shall be at least 15-calendar days after receipt of the request.

(A) A hearing examiner selected by the President and Chief Executive Officer will conduct the hearing at the Agency's principal office, and a written record shall be made.

(B) The hearing examiner will consider the written material presented before the hearing and the evidence presented at the hearing.

(C) The hearing examiner will issue a decision to either uphold the limitation or to dismiss it and inform the President and Chief Executive Officer and the institution of this decision in writing within 30-calendar days of the conclusion of the hearing.

(D) The hearing examiner's decision is final unless appealed under subsection (g). If the decision is in favor

of limitation, the Agency will send a notice to the institution which sets forth the effective date of the limitation.

(E) If the Agency begins a termination proceeding before the limitation period ends, the limitation period may be extended until completion of the new proceeding.

(F) The President and Chief Executive Officer will inform the United States Department of Education of actions taken or decisions made by the Agency in regard to the limitation so the United States Department of Education can take appropriate action.

(v) In accordance with 1 Pa. Code §§ 35.111—35.116, at any time prior to or during the hearings, the Agency may schedule a conference with the parties.

(3) The President and Chief Executive Officer may terminate an institution's eligibility to participate in the Federal Stafford Loan and Federal PLUS Loan Programs, if the institution violates any applicable laws, regulations, special arrangements or agreements. Termination prohibits the future guaranty of Federal Stafford Loans and Federal PLUS Loans to borrowers attending the institution.

(i) A designated Agency official will notify the institution by certified mail, with return receipt requested, of the Agency's intent to terminate the institution from the Federal Stafford Loan and Federal PLUS Loan Programs, citing the consequences of that action and identifying the alleged violations on which the proposed action is based. The initially designated beginning date of termination shall be at least 20-calendar days from the date the letter of intent is mailed.

(ii) The institution subject to the termination notice may request in writing a hearing before a hearing examiner or submit written material for consideration by the designated Agency official. If the institution submits written material or requests a hearing no less than 5-calendar days prior to the effective date of termination, the designated termination date shall automatically be delayed until after a final determination is made.

(iii) If the institution does not request a hearing but submits written material, the designated Agency official will review the material and notify the institution that either the proposed termination is dismissed or the termination is effective as of a specified date.

(iv) If the institution requests a hearing at least 5-calendar days prior to the effective date of termination, the date of the hearing shall be at least 15-calendar days after receipt of the request.

(A) A hearing examiner selected by the President and Chief Executive Officer will conduct the hearing at the Agency's principal office, and a written record shall be made.

(B) The hearing examiner will consider the written material presented before the hearing and the evidence presented at the hearing.

(C) The hearing examiner will issue a decision to either uphold the termination or to dismiss it and inform the President and Chief Executive Officer and institution of this decision in writing within 30-calendar days of the conclusion of the hearing.

(D) The hearing examiner's decision is final unless appealed under subsection (g). If the decision is in favor of termination, the Agency will send a notice to the institution which sets forth the effective date of termination.

(E) The President and Chief Executive Officer will inform the United States Department of Education of any actions taken or decisions made by the Agency in regard to the termination so the United States Department of Education can take appropriate action.

(v) In accordance with 1 Pa. Code §§ 35.111—35.116, at any time prior to or during the hearings, the Agency may schedule a conference with the parties.

(f) An institution may lose its eligibility to participate in the Federal Stafford Loan and Federal PLUS Loan Programs through other than emergency action, suspension, limitation or termination. This may occur under one or more of the following conditions:

(1) Change in ownership, administration or directorship of the institution that results in a change of control, in which case the loss of eligibility continues until the institution reestablishes eligibility as determined by the United States Secretary of Education.

(2) Permanent closure of the institution or its termination of approved educational programs.

(3) Action taken by the United States Secretary of Education under applicable Federal regulations to limit, suspend or terminate the institution's eligibility.

(g) The Agency and the institution have the right to appeal the decision of the hearing examiner to the Board of Directors of the Agency within 20-calendar days after the receipt of a copy of the decision, which shall be done by certified mail.

(1) Written notice of appeal and the material submitted in support shall be addressed to the Chairperson of the Board of Directors at the Agency's principal address, with a copy to the other party.

(2) The appealing party has 20-calendar days from the date of the notice of appeal to submit exceptions to the hearing examiner's decision and supporting briefs and statements.

(3) The opposing party has 20-calendar days from receipt of the appealing party's exceptions and brief to respond.

(4) When the Chairperson of the Board receives notice of an appeal, the Chairperson will place the appeal on the meeting agenda of the Board at a time in the future that the Board has received a record of the hearing and the briefs and supporting materials and has had an opportunity to review the record. Before issuing a final order, the Board of Directors will review the record and hearing examiner's decision and may order oral argument.

(5) Notice of a final order by the Board of Directors will be mailed promptly to the institution, the Agency and the United States Department of Education.

(6) The decision of the Board of Directors will become final upon mailing. Within 30-calendar days after the decision of the Board of Directors becomes final, the institution may file an appeal with Commonwealth Court.

(h) An institution whose eligibility to participate was limited may not apply for removal of the limitation before the expiration of 12 months from the effective date of the limitation.

(1) After the minimum limitation period, the institution may request removal of the limitation. The request shall be in writing and be supported by documented evidence that the institution has corrected the violations on which the limitation was based.



(2) Within 60-calendar days after receipt of the request, the President and Chief Executive Officer will respond to the institution by granting the request, denying the request or granting the request subject to other limitation.

(i) An institution whose eligibility to participate has been terminated may file a request of reinstatement 18 months after the effective date of the termination. To be reinstated, an institution shall:

(1) Demonstrate to the President and Chief Executive Officer's satisfaction that it has corrected the violations on which termination was based and repaid funds which it had improperly received.

(2) Meet the requirements for participation in the Federal Stafford Loan and Federal PLUS Loan Programs.

(3) Enter into a new participation agreement with the Agency.

**§ 121.32. Approved institutions in Higher Education Grant Program.**

(a) To be eligible for a State higher education grant, an applicant shall enroll in a program approved under § 121.33 (relating to approved program of study in Higher Education Grant Program) and shall attend an institution of higher education approved by the Agency for enrollment of grant recipients under the State Higher Education Grant Program.

(b) To be approved, an institution shall be other than a school of theology or a theological seminary as determined by the Agency, shall be located in the United States, the Canal Zone, Puerto Rico, the Virgin Islands, American Samoa or Guam and shall comply with the following:

(1) If the institution is a college or university located within this Commonwealth, the institution shall be approved by the Department of Education and shall be accredited or a recognized candidate for accreditation with an accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; if the college or university is located outside this Commonwealth, the institution shall be degree-granting, shall be operated not-for-profit and shall be fully accredited by the regional institutional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation responsible for accreditation in the state where the college or university is conducting its educational program.

(2) If the institution is a hospital school of nursing located within this Commonwealth, the institution shall be initially, provisionally or fully approved by the State Board of Nursing and shall be accredited by the National League for Nursing; if located outside this Commonwealth, the institution shall be accredited by the National League for Nursing.

(3) If the institution is a trade, technical or business school located within this Commonwealth, the institution shall be approved by the Department of Education or shall currently be, and shall have been throughout the preceding 24 months, licensed by the State Board of Private Licensed Schools and shall be accredited by an accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation, except that this requirement for licensure and accreditation may be waived by the President and Chief Executive Officer for branch campuses of an institution that has been operating satisfactorily in this Commonwealth for 2 years or more; if the institution is located outside this Commonwealth, it shall be degree-granting, shall be operated

not-for-profit and shall be fully accredited by the regional institutional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation responsible for accreditation in the state where the institution is conducting its educational program.

(4) The institution shall have executed an Assurance of Compliance with section 602 of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000d-1 (1974)) and filed it with the United States Secretary of Education.

(5) The institution shall have executed and filed with the Agency an agreement on a form provided by the Agency to report or advise the Agency if the institution has knowledge of the name and address of Commonwealth resident students who are recipients of Agency-administered aid who have been convicted in a court of record of a criminal offense which under the laws of the United States or of the Commonwealth would constitute a felony committed after October 29, 1969. Institutional knowledge shall be facts contained in the academic, disciplinary or financial student records of the institution and facts known to the dean of students, director of financial aid and president of the institution or persons occupying these positions by whatever titles designated by the institution.

(6) When a change in ownership of an approved institution occurs, the new owner shall notify the Agency in writing of the change in ownership within 30 days of the effective date of the change. The new owner shall execute and file with the Agency an agreement on a form provided by the Agency to assume responsibility for repayment of State grant funds to the Agency or payment of State grant funds to eligible students, as designated by the Agency, made necessary by the failure of the previous owner to follow Agency procedures and requirements. An institution that fails to execute this agreement will be required to wait 24 months before being considered for approval in the State Grant Program.

(7) The institution shall comply with other administrative requirements the Agency may legally promulgate, as shall be set forth in the *State Grant Certification Procedures* and the *State Grant Program Policy Manual* which will be made available to institutions on an annual basis.

(c) Approved institutions for an academic year shall be those on record as of the preceding August 1 for the ensuing academic year.

(d) Approval of an institution after August 1 will become effective the following August 1 with two exceptions:

(1) To be effective for the ensuing summer term, approval shall be obtained prior to May 1.

(2) In light of the particular circumstances related to the institution's approval and the funding and application processing conditions of the Agency, the President and Chief Executive Officer may make the approval effective on a date prior to August 1.

(e) The President and Chief Executive Officer may suspend the processing of aid request forms of State grant applicants or cease further disbursement of State grant funds to an approved institution, or both, when, in the judgment of the President and Chief Executive Officer, the institution's compliance with the conditions required for approval or the institution's continued eligibility or operation is in question and the action is deemed necessary to protect the interests of the student aid applicants, the Commonwealth or the Agency. This subsection may also be invoked upon a change in ownership, administration or directorship of the institution.

(f) An institution's approved status may be terminated by the President and Chief Executive Officer when any of the conditions required for approval cease to be met.

(g) In suspending or withdrawing the approval of an institution, the President and Chief Executive Officer may authorize continuation of eligibility determination and grant disbursement for State grant renewal applicants.

**§ 121.34. Institutional appeals and hearings (for other than the Federal Family Education Loan Programs).**

(a) If the President and Chief Executive Officer suspends the processing of student aid request forms for students at an approved institution or ceases disbursement of funds to an approved institution, the institution will be notified in writing of the action and the grounds therefor and will be afforded an opportunity to contend to the Agency that the processing of aid request forms or disbursement of funds should be resumed and to submit relevant data in support of this contention.

(b) If the President and Chief Executive Officer of the Agency determines that an institution is not an eligible institution within the meaning of this chapter for a program administered by the Agency, the institution will be notified in writing of the determination, the grounds therefor and its right to appeal from the decision.

(c) An institution which is aggrieved by the determination of the President and Chief Executive Officer that it is not an eligible institution may file an appeal of that determination to the Board. This subsection supersedes 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

(d) An appeal shall be filed on or before the 15th day after the date on which notification of the determination by which the institution was aggrieved was mailed to it at its post office address registered with the Agency.

(e) The appeal may be heard by the Board or, at its direction, by a hearing examiner appointed by the Chairperson of the Board or, in the event of the unavailability of the Chairperson, by the Vice Chairperson of the Board, from a list maintained by the President and Chief Executive Officer. The hearing examiner or the Board will schedule the appeal for hearing within 30 days from the date on which the appeal is filed and will give the institution at least 7 days' notice of the hearing. The notice will specify the date, hour and place of hearing.

(f) Hearings will be held at the offices of the Agency in Harrisburg, Pennsylvania. During the hearing, the institution will be given the opportunity to submit relevant evidence in support of its contentions. The institution shall also have the right to present oral and written argument and to cross-examine witnesses which are offered by the Agency. This subsection supplements 1 Pa. Code § 35.126 (relating to presentation by the parties).

(g) The hearing examiner or the Board will prepare or cause the preparation of a verbatim transcript of the hearing. When the appeal is heard by a hearing examiner, findings of fact and conclusions of law shall also be prepared, and the transcript, findings and conclusions shall be forwarded directly to the Board for review and a final decision by the Board. This subsection supplements 1 Pa. Code § 35.131 (relating to recording of proceedings) and supersedes 1 Pa. Code § 35.202 (relating to proceedings in which proposed reports are prepared).

(h) The Board will make an order or determination as shall appear just and proper from all the evidence submitted. Notice of the decision of the Board will be mailed promptly to the institution at the post office address which is registered with the Agency.

(i) The decision of the Board will become final 10 days after the date thereof. Within 30 days after the decision of the Board becomes final, the institution may file an appeal therefrom with Commonwealth Court.

**§ 121.35. Payment of interest on Federal Stafford Loans and Federal PLUS Loans.**

(a) The Agency will require an educational institution to repay to the appropriate lending institution the interest that has accrued on Federal Stafford Loan or Federal PLUS Loan funds under the following circumstances:

(1) A borrower receives loan assistance for which he is not eligible because of the educational institution's negligent or willful false certification of a student's loan eligibility.

(2) If the educational institution violates State or Federal regulations in its release of Federal Stafford Loan or Federal PLUS Loan funds to a borrower.

(3) If the educational institution is required to make a loan refund as specified in Federal regulations and does not make the refund within the time frame specified in the regulations.

(b) The interest amount that the Agency will require to be repaid under the circumstances described in subsection (a) will be based on the maximum interest rate allowed under Federal law governing the particular loan and will be calculated over the following time periods:

(1) For the condition described in subsection (a)(1), from the date of disbursement of the loan funds until the date the ineligible principal portion is repaid.

(2) For the condition described in subsection (a)(2), from the date of release of the loan funds until the date the principal portion of the loan funds in question is repaid.

(3) For the condition described in subsection (a)(3), from the latest date, as specified in Federal regulations, that a refund should have been made until the date the refund actually is made.

(c) Educational institutions required to pay interest will receive written notice as to the reason the interest is owed and the amount to be remitted to the Agency. The educational institution will have a maximum of 60 days from the date of the written notice to respond to the Agency.

(d) Failure of the educational institution to respond to the notice specified in subsection (c) or to repay the particular interest amount requested will lead the Agency to refer the case to the United States Secretary of Education for further enforcement action.

**Subchapter B. HIGHER EDUCATION GRANT PROGRAM**

**§ 121.44. Required family financial data.**

(a) *General.* The applicant, the applicant's parents and stepparents, and the applicant's spouse shall submit financial data that the Agency requests and, further, shall be required to authorize the Director of the State Personal Income Tax Bureau and the District Director of the

Internal Revenue Service to release to the Agency, upon request of the Agency, a copy or extract of the State or Federal Income Tax Return filed by the applicant, the applicant's parents and stepparents, and the applicant's spouse for the tax years the Agency designates. The Agency may in addition require the applicant, the applicant's parents and stepparents, and the applicant's spouse to submit a copy of the tax returns directly to the Agency.

(b) *Exceptions.* The Agency may determine the eligibility of the applicant without regard to the parents' financial data, waiving its submission, in the following cases:

(1) If the applicant is a veteran as defined in § 121.1 (relating to definitions).

(2) If the applicant is at least 24 years of age by January 1 prior to the academic year for which application is made.

(3) If the applicant is an orphan or ward of the court.

(4) If the applicant is married or separated.

(5) If the applicant has legal dependents other than a spouse.

(6) If the applicant is in compliance with other criteria established by the Agency for the processing of applicants without regard to parental financial data.

(7) Other exceptions may be granted by the Administrative Review Committee or the Committee on Appeals in turn on an individual case basis.

(c) *Severe casualty losses.* If, as a result of fire, storm or other casualty, the family of a higher education grant applicant has suffered severe losses not fully covered by insurance, the post-loss value of assets normally taxed in the eligibility determination may be used in processing the application in order to reflect the family's reduced ability to finance educational costs. If the family's loss is covered by insurance (whether fully or partially), the Agency, in processing the application, may elect to use either the preloss value of the assets or the insurance benefits received because of the loss. If the loss is not fully covered by insurance, the Agency may also elect to subtract from family income the amount of the casualty losses not covered by insurance, to waive the normal application filing deadline and to afford other special treatment of the application that may be merited.

**§ 121.49. Duration of State higher education grants.**

(a) State higher education grants are awarded for undergraduate school study and student eligibility shall terminate with the receipt of the baccalaureate degree or 4 undergraduate academic year State higher education grants, whichever occurs first, except as provided in subsections (b)—(d).

(b) In the case of students enrolled in Agency-approved bona fide 5-year programs of study in approved institutions, student eligibility shall terminate with the receipt of the baccalaureate degree or 5 academic year State higher education grants, whichever occurs first.

(c) In the case of students enrolled in Agency-approved 5-year work study programs in approved institutions, student eligibility shall terminate with the receipt of the baccalaureate degree or 5 academic year State higher education grants, whichever occurs first. However, the total higher education grant funds awarded during 5

years will not exceed the amount to which the student would have been entitled as determined by the Agency had his educational program been completed in a period of 4 years.

(d) State higher education grant eligibility for undergraduate students enrolled in other than baccalaureate degree programs shall terminate with the receipt of 4 academic year State higher education grants or with the end of the normal course of study, whichever occurs first.

**§ 121.50. Disbursement of State higher education grants.**

(a) Payments on behalf of students of their State higher education grants to institutions on a semester or trimester calendar shall be made twice during the academic year in an amount equal to 1/2 of the annual grant. Similar payments to institutions on a quarter calendar shall be made three times during the academic year in an amount equal to 1/3 of the annual grant. Grants shall be sent to the appropriate institution to the credit of the account of the recipient for payment of tuition, room, board, books or institutional fees. Payments may be made to the recipients when the Agency deems the action necessary to protect the interests of the students, the Commonwealth or the Agency.

(b) Students who accelerate their academic progress by reason of attendance in a year-round program of study shall be eligible to receive additional payments of their State higher education grant but in no event may the payments result in violation of § 121.49 (relating to duration of State higher education grants).

**§ 121.55. Recipients on probation.**

A recipient placed on academic or disciplinary probation shall remain eligible for a higher education grant if the institution of higher learning permits him to continue his studies on at least a half-time basis.

**Subchapter C. FEDERAL STAFFORD LOAN PROGRAMS**

**§ 121.61. Submission and processing of applications.**

(a) *Applicant.* A student desiring to secure a Federal Stafford Loan shall obtain from a participating lender, a participating school or Agency a loan application packet containing the application/promissory note form for the Federal Stafford Loan Program. The information provided on the form will be used to determine the eligibility of the applicant to receive a Federal Stafford Loan. The applicant shall complete the loan application, which includes the affidavit in which the applicant agrees to use the loan proceeds solely for educational expenses. The applicant shall also read, sign and date the promissory note that is part of the loan application form. After completing the loan application, including the promissory note, the applicant shall retain a copy of the form and forward the remaining copies of these forms as referenced on the form.

(b) *Educational institution.* The institution shall certify the loan application according to instructions provided by the Agency.

(c) *Processing by the Agency.* The Agency will check the application/promissory note form for completeness. If not complete, the Agency will obtain from the applicant the missing data items.

(d) *Completion of processing.* Upon receipt of missing information, the Agency will complete the processing of the loan application and determine the amount of loan assistance the applicant is entitled to obtain. The Agency will then inform the lender of the amount of the guaranty by sending the lender a Loan Guaranty Notice and Disclosure Statement.

(e) *Action by lender.* The lender shall provide the applicant with a copy of the Loan Guaranty Notice and Disclosure Statement and disburse the funds by means of a check or electronic funds transfer. If the lender does not wish to make the loan, the lender shall mark denied on the Loan Guaranty Notice and Disclosure Statement or report the denial by the computer terminal. An adverse action notice shall be provided to the borrower by the lender if loan assistance is denied.

**§ 121.65. Federal Stafford Loan guaranty limits.**

The Agency will guarantee loans to the maximum amounts specified in the following table:

	<i>Subsidized/ Unsubsidized Loan</i>	<i>Additional Unsubsidized Eligibility for Independent Students*</i>
<b>Annual Loan Limits:</b>		
1st Year Undergraduate:		
Full academic year	\$2,625	\$4,000
2/3 academic year	\$1,750	\$2,500
1/3 academic year	\$ 875	\$1,500
2nd Year Undergraduate:		
Full academic year	\$3,500	\$4,000
2/3 academic year	Prorated**	\$2,500
1/3 academic year	Prorated**	\$1,500
3rd Year, 4th Year or 5th Year Undergraduate:		
Full academic year	\$5,500	\$5,000
Less than full academic year	Prorated**	Prorated**
Graduate/Professional Student	\$8,500	\$10,000
<b>Aggregate Limits:</b>		
Undergraduate	\$46,000	
Graduate/Professional	\$138,500 (includes borrowings at the undergraduate level)	

\* Or dependent students whose parents cannot borrow a Federal PLUS loan. The amount an independent student or eligible dependent student can borrow under the unsubsidized Federal Stafford Loan Program during an academic year is: (a) the amount indicated in the first column minus the subsidized loan amount for which the student is eligible, plus (b) the amount indicated in the second column.

\*\*Straight proration applies if the final portion of the program of study is less than a full academic year. The prorated loan amount must bear the same ratio to the full-academic year loan amount as the remainder of the program bears to 1 academic year.

**§ 121.66. (Reserved).**

**§ 121.69. Cancelled debt.**

The indebtedness of a borrower who dies, who becomes totally and permanently disabled, whose loans are discharged in bankruptcy, who is enrolled at an institution that closes or who has his eligibility to borrow falsely certified by the institution, shall be cancelled upon the acceptance of proper documentation by the lender or holder of the loan.

**§ 121.70. Default.**

Except as otherwise provided in § 121.67 (relating to repayment), a note shall be declared in default at the following times:

(1) One hundred eight days, or as otherwise established by the Agency to comply with Federal statutes or regulations, after the date on which a monthly payment was scheduled to be made by a student borrower under a repayment schedule, if the borrower fails to make the monthly payment within 180 days of its due date, or as otherwise established by the Agency to comply with Federal statutes or regulations.

(2) Two hundred forty days, or as otherwise established by the Agency to comply with Federal statutes or regulations, after the date on which a quarterly payment of nonsubsidized interest was scheduled to be made by a student borrower under a quarterly interest repayment

schedule, if the borrower fails to make the quarterly payment within 240 days of its due date, or as otherwise established by the Agency to comply with Federal statutes or regulations.

**§ 121.72. Loan residency.**

(a) A student applicant shall be a resident of this Commonwealth at the time the student applies for a Federal Stafford Loan or to renew a loan guaranty. Establishment of residency may be based upon any one of the following:

(1) A student applicant who is under 18 years of age at the time the student applies for a Federal Stafford Loan or to renew a loan guaranty shall have a supporting parent or guardian who has been a bona fide domiciliary of this Commonwealth for at least 30 days immediately preceding the date of receipt by the Agency of the loan guaranty application or renewal application.

(2) A student applicant who is 18 years of age or older at the time the student applies for a Federal Stafford Loan or to renew the guaranty shall have been a bona fide domiciliary of this Commonwealth for at least 30 days immediately preceding the date of receipt by the Agency of the loan guaranty application or renewal application.

(3) A student applicant who is accepted for enrollment in or is attending an approved institution of higher

education located in this Commonwealth is considered a bona fide domiciliary of this Commonwealth except in cases where the student is enrolled in a correspondence (home study) course, in which case the student shall be a bona fide domiciliary of this Commonwealth as described in paragraphs (1) and (2).

(b) For purposes of determining domicile, a guardian shall be one of the following:

(1) A person appointed by a court.

(2) A person other than a parent with whom the applicant has lived and in whose continuous direct care and control the applicant has been for at least 2 years.

(c) Military status of persons and their dependents who reside in the civilian community rather than on a military installation will not alone be grounds for determining an applicant ineligible.

(d) Persons and their dependents who leave this Commonwealth on military or foreign assignments, such as missionaries, United States military service personnel and representatives of domestic companies or government agencies, shall be presumed to maintain their domicile in this Commonwealth for purposes of satisfying the loan guaranty residence requirement.

(e) In the case of a student attending an institution of higher education in another state who is under 18 years of age whose parents or guardians move from this Commonwealth after the agency has issued a loan guaranty, the eligibility of the applicant continues to the end of the applicant's program of study.

(f) A student who transfers to an approved institution of higher education located outside of this Commonwealth after having received guaranteed student loan assistance while attending a Commonwealth institution of higher education is eligible to have the loan guaranty renewed.

(g) A student applicant filing a loan guaranty renewal application who has outstanding loans with the Agency and whose domicile has changed from this Commonwealth due to the relocation of the applicant or supporting parents or guardian shall continue to be eligible for guaranteed student loan assistance until the end of the applicant's program of study.

(h) The Agency will make the final decision in all matters pertaining to residency or domicile, or both.

### **Subchapter G. INSTITUTIONAL ASSISTANCE GRANTS PROGRAM**

#### **§ 121.121. Application of existing agency regulations.**

The Agency higher education grant regulations contained in Subchapters A, B and F (relating to general provisions; Higher Education Grant Program; and POW/MIA's Education Program) apply to the determination of eligible recipients for the accounting of funds to be disbursed to each eligible institution of higher learning in the Institutional Assistance Grants Program, except those regulations which are inconsistent with this subchapter.

#### **§ 121.123. Determination of institutional assistance grants.**

(a) Institutional assistance grants, established by dividing the total funds available for institutional grants in this program by the number of Pennsylvania State grant recipients certified to the Agency by the participating institutions, will be paid to an eligible institution in either a lump sum or in installments at the discretion of the Agency. The institutional assistance grants shall be in

a number equal to the number of full-time students receiving assistance from the Pennsylvania Higher Education Grant Program or the POW/MIA's Education Program certified as enrolled during the academic year except those intra-year transfer students from any other eligible institution. The following are examples:

(1) If a student enrolls in eligible institution A, the institution shall receive an institutional assistance grant by reason of the enrollment if, as of the date of the Eligibility Certification Listing, the student either had been enrolled at least half time for at least one complete semester, trimester or quarter of the academic year or is enrolled at least half time for the current semester, trimester or quarter.

(2) If a student enrolls in eligible institution B during the academic year as a transfer student from an institution other than an eligible institution, institution B shall receive an institutional assistance grant by reason of the enrollment if, as of the date of the Eligibility Certification Listing, the student had been enrolled at least half time for at least one complete semester, trimester or quarter of the academic year or is enrolled at least half time for the current semester, trimester or quarter.

(3) If a student enrolls in eligible institution B during the academic year as a transfer student from eligible institution A, institution B will not receive an institutional assistance grant during the academic year if by reason of the student's enrollment an institutional assistance grant has been paid or will be paid to eligible institution A by reason of the student's previous enrollment in institution A during the same academic year.

(b) For purposes of this section, an Eligibility Certification Listing is defined as a listing created by the Agency for the institution to use in certifying the enrollment of students for the purpose of determining the institution's enrollment to institutional assistance grants.

#### **§ 121.124. Participation agreement.**

(a) Each participating institution shall execute through its authorized representative an Agreement with the Agency which shall contain the following:

(1) Assurance that auditable records are maintained.

(2) Assurance against discrimination of any Commonwealth resident applicant for admission because the applicant does not apply or qualify for assistance under the Pennsylvania Higher Education Grant Program or the POW/MIA's Education Program.

(3) Assurance that institutional assistance grant moneys will only be used for, or in connection with, expenses incurred for educational costs other than expenses for sectarian and denominational instruction, the construction or maintenance of sectarian and denominational facilities, or for any other sectarian and denominational purpose or activity.

(b) To be entitled to share in the distribution of the Institutional Assistance Grants Program funds of a particular fiscal year, an institution shall have submitted a properly signed participation agreement to the Agency by August 1 of that same fiscal year. The President and Chief Executive Officer may extend this deadline if an extension would not cause undue interference with the operation of the Institutional Assistance Grants Program, though an institution may not share in the Institutional Assistance Grants Program funds of a particular fiscal year if that institution has not submitted a properly signed participation agreement to the Agency by the time

of the first disbursement of the Institutional Assistance Grants Program funds of that particular fiscal year.

**Subchapter H. FEDERAL PLUS PROGRAM**

**§ 121.131. Submission and processing of applications.**

(a) *Applicant.* A parent of a dependent student desiring to secure a guaranty of a Federal PLUS Loan shall obtain from a participating lender, a participating school or Agency a loan application packet containing the application/promissory note form for the Federal PLUS Loan. The information provided on the form will be used to determine the eligibility of the applicant to receive a PHEAA Federal PLUS Loan. The student for whom the loan funds shall be used to meet educational expenses shall complete the information requested on the student's portion of the Federal PLUS Loan application, including the affidavit in which the student authorizes the school and the lender named on the Federal PLUS Loan application form to release information contained in the student's file that is relevant to the eligibility of the student for the Federal PLUS Loan Program. The applicant shall complete the appropriate section of the application, including the affidavit in which the applicant agrees to use the loan proceeds solely for the educational expenses of the student named in the application. The applicant shall also read, sign and date the promissory note included on the loan application form. After completing the appropriate section of the Federal PLUS Loan application form, the applicant shall retain one copy of the form and forward the remaining copies of the application/promissory note form as referenced on the form.

(b) *Educational institution.* The institution shall certify the Federal PLUS Loan application according to the instructions provided by the Agency.

(c) *Processing by the Agency.* The Agency will check the application/promissory note form for completeness. If not complete, the Agency will obtain from the applicant the missing data items.

(d) *Completion of processing.* Upon receipt of missing information, the Agency will complete the processing of the loan application and determine the amount of loan assistance the borrower is entitled to obtain. The Agency will inform the lender of the amount of the guaranty by sending the lender the appropriate Loan Guaranty Notice and Disclosure Statement.

(e) *Action by lender.* The lender shall provide the applicant with a copy of the Loan Guaranty Notice and Disclosure Statement and disburse the funds by means of a check or electronic funds transfer. If the lender does not wish to make the loan, the lender shall mark "Denied" on the Loan Guaranty Notice and Disclosure Statement or report the denial of the loan by the computer terminal. An adverse action notice shall be provided to the borrower by the lender if loan assistance is denied.

**§ 121.135. Federal Plus Loan guaranty limits.**

The Agency will guarantee a Federal PLUS Loan for the difference between cost minus other financial assistance.

**§ 121.136. (Reserved).**

**§ 121.137. Repayment.**

(a) A Federal PLUS Loan is due for repayment within 60 days of the date of the final disbursement of the loan.

(b) A borrower shall repay in substantially equal monthly installment payments at least \$600 per year, including principal and interest. If the total of the

insured loans would not be repaid in less time with minimum payments of \$600 per year, the repayment schedule shall provide for repayment in not less than 5 years, nor more than 10 years. The lender and the borrower may agree to monthly payments of less than \$50 over not more than a 10-year repayment schedule.

(c) Upon proper notice to the lender, repayment of principal may be deferred in accordance with, and during periods specified in, the Higher Education Act of 1965 (Pub. L. No. 89-329, 79 Stat. 1219) and Federal regulations based on this act. The borrower is responsible for the interest that accrues during any period principal repayment is deferred.

**§ 121.139. Cancelled debt.**

The obligation to repay the indebtedness of a Federal PLUS Loan borrower who dies, who becomes totally and permanently disabled, whose loans are discharged in bankruptcy or who has his eligibility to borrow falsely certified by the school, shall be cancelled upon the acceptance of proper documentation by the lender or holder of the loan. The obligation to repay the indebtedness of a Federal PLUS Loan borrower shall be cancelled upon the acceptance of proper documentation by the lender or holder of the loan of the death of the student on whose behalf the parent borrowed the Federal PLUS Loan or closure of the school at which the student on whose behalf the parent borrowed the Federal PLUS loan is enrolled.

**§ 121.140. Default.**

Except as otherwise provided in § 121.137 (relating to repayment), a note shall be declared in default at the following times:

(1) One hundred eighty days after the date on which a monthly payment was scheduled to be made by the borrower under a repayment schedule, if the borrower fails to make the monthly payment within 180 days after its due date.

(2) Two hundred forty days after the date on which a quarterly payment of interest was scheduled to be made by the borrower under a quarterly interest payment schedule, if the borrower fails to make the quarterly payment within 240 days after its due date.

**§ 121.141. Loan residency.**

(a) A parent applicant shall, at the time the parent applies for a Federal PLUS Loan or to renew a Federal PLUS Loan guaranty, be a resident of this Commonwealth. The parent applicant, to be considered a resident of this Commonwealth, shall be the parent of a student who is accepted for enrollment in or is attending an approved institution of higher education located in this Commonwealth. In the case of the parent of a student who is enrolled in or attending a non-Pennsylvania school or participating in a correspondence (home study) course through a Pennsylvania institution, the parent applicant shall be a bona fide domiciliary of this Commonwealth for at least 30 days immediately preceding the date of receipt by the Agency of the Federal PLUS Loan application to obtain a loan for such a student.

(b) For purposes of determining domicile, a guardian is:

(1) A person appointed by a court.

(2) A person other than a parent with whom the applicant has lived and in whose continuous direct care and control the applicant has been for at least 2 years.

(c) Military status of persons and their dependents who reside in the civilian community rather than on a military installation may not alone be grounds for determining an applicant ineligible.

(d) Persons and their dependents who leave this Commonwealth on military or foreign assignments, such as missionaries, United States military service personnel and representatives of domestic companies or government agencies, shall be presumed to maintain their domicile in this Commonwealth for the purposes of satisfying the Federal PLUS Loan guaranty residency requirement.

(e) In the case of a parent borrower who moves from this Commonwealth after the Agency has issued a loan guaranty for the academic year for a student attending an institution of higher education in another state, the loan guaranty eligibility of the applicant shall continue to the end of the student's program of study.

(f) If a student transfers to an approved institution located outside of this Commonwealth after the borrower for the student has received loan assistance while the student was attending a Commonwealth institution of higher education, the borrower for the student is eligible to have the loan assistance renewed.

(g) The Agency will make the final decision in all matters pertaining to residency or domicile, or both.

**§ 121.142. Co-maker/co-signer.**

(a) *Co-makers.* Two eligible borrowers may take out one loan on behalf of one student under the Federal PLUS Loan Program. As co-makers, both borrowers shall meet the eligibility criteria, both borrowers are equally liable for the repayment of the loan and both must qualify in order for any special benefits associated with the loan, such as deferment or cancellation, to be received.

(b) *Co-signers.* A borrower may have another party as a co-signer to a Federal PLUS Loan. The borrower assumes the primary liability and is fully responsible for repaying the debt. The co-signer is secondary liable. Only if the person with primary liability fails to honor the repayment obligation shall the lender attempt to collect from the co-signer. The co-signer does not have to be an eligible borrower. If the borrower qualifies for a deferment under § 121.137 (relating to repayment) or cancellation under § 121.139 (relating to cancelled debt), the loan is deferred or cancelled. A co-signer who signs the Federal PLUS Loan Promissory Note is not eligible for deferment or cancellation.

**Subchapter J. CONSOLIDATION LOAN PROGRAM**

**§ 121.181. Submission and processing of applications.**

(a) *Applicant.* An applicant desiring to secure a Federal Consolidation Loan guaranty shall obtain from a participating lender or from the Agency a loan application packet containing the Federal Consolidation Loan Application/Promissory Note form. The information provided on the form will be used to determine the eligibility of the applicant to receive a Federal Consolidation Loan. The applicant shall complete the loan application and read, sign and date the promissory note that is part of the loan application form. After completing this form, the applicant shall retain a copy and forward the remaining copies of the form to the lender or to the Agency as instructed on the form.

(b) *Lender.* If the form is sent to the lender, the lender shall make sure the applicant has completed the application/promissory note and signed and dated the

form. The lender shall obtain loan payoff data concerning the loans to be consolidated from the creditors holding the loans. The lender shall determine to its satisfaction that each loan being consolidated is a legal, valid and binding obligation of the borrower, that each loan was made and serviced in compliance with applicable law and regulations, and, in the case of Federal Family Education Loans that the guaranty on the loan is still in effect. The lender shall electronically or by other means forward a copy of the application/promissory note form to the Agency.

(c) *PHEAA.* The Agency will complete processing of the loan application and make a final determination of the amount of loan assistance the applicant is entitled to obtain. The Agency will then electronically or by other means inform the lender of the amount of the guaranty.

(d) *Lender.* The lender shall provide the borrower with a Federal Consolidation Loan Repayment Schedule Disclosure Statement and issue sufficient loan disbursement checks to discharge the borrower's liability on the loans selected and approved for consolidation. An adverse action notice will be provided to the borrower by the lender if Federal Consolidation Loan assistance is denied.

**§ 121.182. Lender eligibility.**

A bank, Federal or State savings and loan association, mutual savings bank, Federal or State credit union or other lender approved by the United States Secretary of Education and by the Agency which executes a Lender Participation Agreement for Federal Consolidation Loans with the Agency shall become an eligible lender.

**§ 121.183. Repayment.**

(a) A loan is due for repayment within 60 days after the date upon which all holders of the loans consolidated have discharged the borrower's liability for these loans.

(b) The borrower shall repay a Federal Consolidation Loan according to the repayment schedule provided by the lender. The repayment schedule shall provide for repayment in monthly installments and over a term as specified in Federal statutes and regulations.

(c) Upon proper notice to the lender, repayment of principal may be deferred in accordance with, and during periods specified in, the Higher Education Act of 1965, the act of November 8, 1965 (Pub.L. No. 89-329, 79 Stat. 1219) and Federal regulations based on this act. The borrower is responsible for interest not paid by the Federal government that accrues during any period principal repayment is deferred. If the borrower has consolidated subsidized Federal Stafford Loans, the interest that accrues during a period of deferment will be paid by the Federal government.

**§ 121.184. Cancelled debt.**

The obligation to repay the indebtedness of a Federal Consolidation Loan borrower who dies, who becomes totally and permanently disabled, or whose loans are discharged in bankruptcy, shall be cancelled upon the acceptance of proper documentation by the lender or holder of the loan of the deceased, disabled or bankrupt borrower.

**Subchapter K. LENDING INSTITUTIONS**

**§ 121.191. Approved lending institutions in Federal Stafford Loan, Federal Plus Loan and Federal Consolidation Loan Programs.**

(a) To be approved, a lending institution shall comply with the following:

(1) The lending institution shall be approved by the Agency as an eligible institution for participation in the

Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs.

(2) The lending institution shall meet the United States Department of Education definition of "eligible lender" contained in section 435(d) of the Higher Education Act of 1965 (20 U.S.C.A. § 1085(d)).

(3) The lending institution shall have executed and filed with the Agency an agreement, on a form provided by the Agency, to make the loan program available to eligible students enrolled or accepted for enrollment in an approved educational institution to the extent of its resources available for these loans.

(b) The lending institution shall comply with the Federal laws and regulations governing the Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs.

(c) Mailing dates and receipt dates referenced in this section shall be evidenced by United States Postal Service receipts. If a lending institution refuses or fails to accept a notice mailed as set forth in this section, the Agency will consider the notice as being received on the date that the lending institution refuses or fails to accept the notice as noted by the United States Postal Service.

(d) The following provisions deal with emergency action:

(1) The President and Chief Executive Officer may take emergency action as follows against a lending institution under which the processing of loan applications for students borrowing through the institution is withheld if the President and Chief Executive Officer:

(i) Receives information, determined by an Agency official to be reliable, that the lending institution is in violation of applicable laws, regulations, special arrangements, agreements or limitations.

(ii) Determines that immediate action is necessary to protect the interest of applicants, the United States, the Commonwealth or the Agency.

(iii) Determines that the likelihood of loss outweighs the importance of following the procedures set forth for suspension, limitation or termination in subsection (e).

(2) The Agency will begin an emergency action by notifying the lending institution by certified mail, with return receipt requested, of the emergency action and the basis on which the action is taken. The lending institution shall have an opportunity to show cause that the emergency action is unwarranted by submission of written documentation to the President and Chief Executive Officer. The effective date of the action shall be the date on which the notice is mailed to the lending institution.

(3) An emergency action may not exceed 30-calendar days unless a suspension, limitation or termination proceeding is begun under this section before the expiration of that period. In this case, the period may be extended until the completion of that proceeding, including an appeal to the Board.

(e) The following provisions deal with suspension, limitation or termination:

(1) The President and Chief Executive Officer may suspend the eligibility of a lending institution to participate in the Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs if the lending institution violates applicable laws, regulations, special arrangements or agreements. The suspension may not exceed 60-calendar days unless the lending institution and the President and Chief Executive Officer agree to an

extension if the lending institution has not requested a hearing or the Agency begins a limitation or termination proceeding under this section.

(i) A designated Agency official will notify the lending institution by certified mail, with return receipt requested, of the Agency's intent to suspend the participant from the Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs, citing the consequences of that action and identifying the alleged violations on which the proposed action is based. The initially designated beginning date of suspension shall be at least 20-calendar days from the date the letter of intent is mailed.

(ii) The lending institution subject to the suspension notice may request in writing a hearing before a hearing examiner or submit written material for consideration by the designated Agency official. If the lending institution submits written material or requests a hearing at least 5-calendar days prior to the effective date of the suspension, the suspension date shall automatically be delayed until after a final determination is made.

(iii) If the lending institution does not request a hearing but submits written material, the designated Agency official will review the material and notify the lending institution that either the proposed suspension is dismissed or the suspension is effective as of a specified date.

(iv) If the lending institution requests a hearing at least 5-calendar days prior to the effective date of suspension, the date of the hearing shall be at least 15-calendar days after receipt of the request.

(A) A hearing examiner selected by the President and Chief Executive Officer will conduct the hearing at the Agency's principal office, and a written record will be made.

(B) The hearing examiner will consider all written material presented before the hearing and the evidence presented at the hearing.

(C) The hearing examiner will issue a decision to either uphold the suspension or to dismiss it and inform the President and Chief Executive Officer and lending institution of this decision in writing within 30-calendar days of the conclusion of the hearing.

(D) The hearing examiner's decision is final unless appealed under subsection (g). If the decision is in favor of suspension, the Agency will send a notice to the lending institution which sets forth the effective date of the suspension.

(E) If the Agency begins a limitation or termination proceeding before the suspension period ends, the suspension period may be extended until completion of the new proceeding.

(F) The President and Chief Executive Officer will inform the United States Department of Education of actions taken or decisions made by the Agency in regard to the suspension so the United States Department of Education can take appropriate action.

(v) In accordance with 1 Pa. Code §§ 35.111—35.116 (relating to prehearing conferences), at any time prior to or during the hearings, the Agency may schedule a conference with the parties.

(2) The President and Chief Executive Officer may limit the number or percentage of borrowers who may



receive loan guaranties if the lending institution violates any applicable laws, regulations, special arrangements or agreements.

(i) A designated Agency official will notify the lending institution by certified mail, with return receipt requested, of the Agency's intent to limit the lending institution's participation in the Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs, citing the consequences of that action and identifying the alleged violations on which the proposed action is based. The initially designated beginning date of limitation shall be at least 20-calendar days from the date the letter of intent is mailed.

(ii) The lending institution subject to the limitation notice may request a hearing before a hearing examiner or submit written material for consideration by the designated Agency official. If the lending institution submits written material or requests a hearing at least 5-calendar days prior to the effective date of the limitation, the designated limitation date shall automatically be delayed until after a final determination is made.

(iii) If the lending institution does not request a hearing but submits written material, the designated Agency official will review that material and notify the lending institution that either the proposed limitation is dismissed or the limitation is effective as of a specified date.

(iv) If the lending institution requests a hearing at least 5-calendar days prior to the effective date of limitation, the date of the hearing shall be at least 15-calendar days after receipt of the request.

(A) A hearing examiner selected by the President and Chief Executive Officer will conduct the hearing at the Agency's principal office, and a written record will be made.

(B) The hearing examiner will consider the written material presented before the hearing and the evidence presented at the hearing.

(C) The hearing examiner will issue a decision to either uphold the limitation or to dismiss it and inform the President and Chief Executive Officer and lending institution of this decision in writing within 30-calendar days of the conclusion of the hearing.

(D) The hearing examiner's decision is final unless appealed under subsection (g). If the decision is in favor of limitation, the Agency will send a notice to the lending institution which sets forth the effective date of the limitation.

(E) If the Agency begins a termination proceeding before the limitation period ends, the limitation period may be extended until completion of the new proceeding.

(F) The President and Chief Executive Officer will inform the United States Department of Education of actions taken or decisions made by the Agency in regard to the limitation so the United States Department of Education can take appropriate action.

(v) In accordance with 1 Pa. Code §§ 35.111—35.116, at any time prior to or during the hearings, the Agency may schedule a conference with the parties.

(3) The President and Chief Executive Officer may terminate a lending institution's eligibility to participate in the Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs if the lending institution violates applicable laws, regulations, special arrangements or agreements. Termination prohibits the future guaranty of Federal Stafford Loans, Federal PLUS

Loans and Federal Consolidation Loans to borrowers applying through the lending institution.

(i) A designated Agency official will notify the lending institution by certified mail, with return receipt requested, of the Agency's intent to terminate the lending institution from the Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs, citing the consequences of that action and identifying the alleged violations on which the proposed action is based. The initially designated beginning date of termination shall be at least 20-calendar days from the date the letter of intent is mailed.

(ii) The lending institution subject to the termination notice may request in writing a hearing before the hearing examiner or submit written material for consideration by the designated Agency official. If the lending institution submits written material or requests a hearing at least 5-calendar days prior to the effective date of termination, the designated termination date shall automatically be delayed until after a final determination is made.

(iii) If the lending institution does not request a hearing but submits written material, the designated Agency official will review the material and notify the lending institution that either the proposed termination is dismissed or the termination is effective as of a specified date.

(iv) If the lending institution requests a hearing at least 5-calendar days prior to the effective date of termination, the date of the hearing shall be at least 15-calendar days after receipt of the request.

(A) A hearing examiner selected by the President and Chief Executive Officer will conduct the hearing at the Agency's principal office, and a written record will be made.

(B) The hearing examiner will consider all written material presented before the hearing and the evidence presented at the hearing.

(C) The hearing examiner will issue a decision to either uphold the termination or to dismiss it and inform the President and Chief Executive Officer and the lending institution of this decision in writing within 30-calendar days of the conclusion of the hearing.

(D) The hearing examiner's decision is final unless appealed under subsection (g). If the decision is in favor of termination, the Agency will send a notice to the lending institution which sets forth the effective date of termination.

(E) The President and Chief Executive Officer will inform the United States Department of Education of actions taken or decisions made by the Agency in regard to the termination so the United States Department of Education can take appropriate action.

(v) In accordance with 1 Pa. Code §§ 35.111—35.116, at any time prior to or during the hearings, the Agency may schedule a conference with the parties.

(f) A lending institution may lose its eligibility to participate in the Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs through other than emergency action, suspension, limitation or termination. This may occur under one or more of the following conditions:

(1) Permanent closure of the lending institution.

(2) Action taken by the United States Secretary of Education under applicable Federal regulations to limit, suspend or terminate the lending institution's eligibility.

(g) The Agency and the lending institution have the right to appeal the decision of the hearing examiner to the Board within 20-calendar days after the receipt or a copy of the decision, which shall be done by certified mail.

(1) Written notice of appeal and the materials submitted in support shall be addressed to the Chairperson of the Board at the Agency's principal address, with a copy to the other party.

(2) The appealing party has 20-calendar days from the date of the notice of appeal to submit exceptions to the hearing examiner's decision and supporting briefs and statements.

(3) The opposing party has 20-calendar days from receipt of the appealing party's exceptions and brief to respond.

(4) When the Chairperson of the Board receives notice of an appeal, the Chairperson will place the appeal on the meeting agenda of the Board at a time in the future that the Board has received a record of the hearing and the briefs and supporting materials and has had an opportunity to review the record. Before issuing a final order, the Board of Directors will review the record and hearing examiner's decision and may order oral argument.

(5) Notice of a final order by the Board of Directors will be mailed promptly to the lending institution, the Agency and the United States Department of Education.

(6) The decision of the Board of Directors will become final upon mailing. Within 30-calendar days after the decision of the Board of Directors becomes final, the lending institution may file an appeal with Commonwealth Court.

(h) A lending institution whose eligibility to participate was limited may not apply for removal of the limitation before the expiration of 12 months from the effective date of the limitation.

(1) After the minimum limitation period, the lending institution may request removal of the limitation. The request shall be in writing and be supported by documented evidence that the institution has corrected the violations on which the limitation was based.

(2) Within 60-calendar days after receipt of the request, the President and Chief Executive Officer will respond to the lending institution by granting the request, denying the request or granting the request subject to other limitation.

(i) A lending institution whose eligibility to participate has been terminated may file a request for reinstatement 18 months after the effective date of the termination. To be reinstated, a lending institution shall:

(1) Demonstrate to the President and Chief Executive Officer's satisfaction that it has corrected the violations on which termination was based and repaid any funds which it had improperly received.

(2) Meet the requirements for participation in the Federal Stafford Loan, Federal PLUS Loan and Federal Consolidation Loan Programs.

(3) Enter into a new participation agreement with the Agency.

**Subchapter L. URBAN AND RURAL TEACHER LOAN FORGIVENESS PROGRAM**

Sec. 121.201. Application of existing Agency regulations.

- 121.202. Qualified applicant.
- 121.203. Loan forgiveness.
- 121.204. Teaching commitment.
- 121.205. Eligible public school districts.
- 121.206. State certification.
- 121.207. Classroom teaching.

**§ 121.201. Application of existing Agency regulations.**

The following higher education grant regulations contained in Subchapters A and B (relating to general provisions; and the State Higher Education Grant Program) apply to applicants in the Urban and Rural Teacher Loan Forgiveness Program:

- (1) Section 121.1 (relating to definitions).
- (2) Section 121.3 (relating to discrimination prohibited).
- (3) Section 121.4(a) (relating to denial of eligibility to loan defaulters).
- (4) Section 121.6 (relating to denial of eligibility for financial assistance).
- (5) Section 121.7 (relating to notice of denial and preliminary review procedures).
- (6) Section 121.8 (relating to applicant and recipient appeals and hearings).

**§ 121.202. Qualified applicant.**

A qualified applicant in the Urban and Rural Teacher Loan Forgiveness Program shall be a person who meets the following requirements. The person:

- (1) Is certified by the Department of Education to teach in a preschool, elementary school or secondary school located in this Commonwealth.
- (2) Is in the first year of full-time, permanent classroom teaching at the time of application.
- (3) Is a classroom teacher at an eligible urban or rural public school district or at a nonprofit, nonpublic school in a district at which students may fulfill compulsory attendance requirements.
- (4) Has borrowed through the Agency-administered Federal Family Education Loan Programs.

**§ 121.203. Loan forgiveness.**

Qualified applicants who are selected for the Urban and Rural Loan Forgiveness Program in accordance with the policies established by the Agency are eligible for payment by the Agency of the PHEAA-approved indebtedness in the Agency-administered Federal Family Education Loan Programs, including interest charges, if the indebtedness is at least \$500. The indebtedness may not include loans advanced by relatives of the borrower and other individuals. For each academic year that the teaching commitment is fulfilled, and based upon the availability of funds, the forgiveness rate shall be the greater of either a maximum 25% of the PHEAA-approved indebtedness or the minimum annual payment required in order to keep each PHEAA-approved loan in good standing. Forgiveness may not exceed \$2,500 for each year that the teaching commitment is fulfilled and no more than \$10,000 will be forgiven for any participant. The payment shall be made in accordance with the procedures established by the Agency.

**§ 121.204. Teaching commitment.**

Qualified applicants for the Urban and Rural Teacher Loan Forgiveness Program shall be required to submit documentation the Agency may require as proof that the individual:

- (1) Has spent the major portion of the school day during the school year teaching in a classroom at an eligible urban or rural school district.
- (2) Has received a satisfactory rating by the district or nonpublic school for the academic year.
- (3) Is in compliance with all other criteria for eligibility, as are legally promulgated and made available by the Agency on an annual basis.

**§ 121.205. Eligible public school districts.**

(a) A rural public school district shall be one that has a population of less than 300 per square mile and one of the following:

- (1) More than 8% of the pupils in average daily membership are low-income pupils as defined in section 2502.11 of the Public School Code of 1949 (24 P. S. § 25-2502).
- (2) The market value/income aid ratio, as defined in section 2501 of the Public School Code of 1949 (24 P. S. § 2501), is greater than 7/10.

(b) An urban public school district shall be one that has a population greater than 850 per square mile and one of the following:

- (1) More than 8% of the pupils in average daily membership are low-income pupils as defined in section 2502.11 of the Public School Code of 1949.
- (2) The market value/income aid ratio, as defined in section 2501 of the Public School Code of 1949, is greater than 7/10.

(c) The definitions in subsections (a) and (b) also apply to an intermediate unit or area vocational-technical school if the composite data for all participating school districts meet the criteria specified in this section.

**§ 121.206. State certification.**

For the purposes of the Urban and Rural Teacher Loan Forgiveness Program, State certification means Pennsylvania public school certification that qualifies a professional educator to provide classroom instruction in the grade level and content area specified for that certificate. State certification does not mean an Educational Specialist Certificate whose primary responsibility is to render professional service other than classroom teaching.

**§ 121.207. Classroom teaching.**

(a) For the purposes of the Urban and Rural Teacher Loan Forgiveness Program, classroom teaching means providing instruction in the grade level and content area specified on the teacher's State certificate and shall be for the major portion of the school day, which shall be at least 1/2 of the available periods used for instruction.

(b) Classroom teaching shall be on a full-time, permanent basis and does not include any form of substitute teaching.

**Subchapter M. AGRICULTURE EDUCATION LOAN FORGIVENESS PROGRAM**

- Sec.  
 121.301. Definitions.  
 121.302. Application of existing agency regulations.  
 121.303. Qualified applicant.  
 121.304. Loan forgiveness.

- 121.305. Employment verification.  
 121.306. Eligible place of employment.

**§ 121.301. Definitions.**

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

*Agricultural products*—Crops, livestock and livestock products, and commodities, including:

- (i) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- (ii) Fruits, including apples, peaches, grapes, cherries and berries.
- (iii) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
- (iv) Horticultural specialties, including nurse stock, ornamental shrubs, ornamental trees and flowers.
- (v) Cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.
- (vi) Timber, wood and other wood products derived from trees.
- (vii) Aquatic plants and animals and their by-products.

(viii) Products derived from one or more of the items listed in subparagraphs (i)—(vii) and other products derived from the business of farming, including other products manufactured, derived or prepared from the products mentioned in subparagraphs (i)—(vii), raw or processed, which are used as food for humans or animals.

*Immediate family member*—A spouse, child, stepchild, parent, stepparent, grandparent, brother, stepbrother, sister, stepsister or like relative-in-law of an owner of real property.

*Mixed practice of veterinary medicine*—As described by the American Veterinary Medical Association, that type of clinical veterinary practice or consultation which deals with more than one categorical species, including, but not limited to, agricultural animals.

*United States Department of Agriculture Certification*—Certification by the United States Department of Agriculture that a graduate veterinarian has successfully passed an examination and is certified to sign health certificates allowing the interstate commerce of agricultural animals and animal products as well as the ability to certify regulatory testing such as bovine tuberculosis and brucellosis.

*Veterinary practice*—The practice in the field of veterinary medicine by a person qualified by educational training and experience in the science and techniques of veterinary medicine and who is currently licensed to practice veterinary medicine by the State Board of Veterinary Medicine under the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.33).

**§ 121.302. Application of existing Agency regulations.**

The following higher education grant regulations contained in Subchapters A and B (relating to general provisions; and the State Higher Education Grant Program) apply to applicants in the Agriculture Education Loan Forgiveness Program:

- (1) Section 121.1 (relating to definitions).
- (2) Section 121.3 (relating to discrimination prohibited).

(3) Section 121.4(a) (relating to denial of eligibility to loan defaulters).

(4) Section 121.6 (relating to denial of eligibility for financial assistance).

(5) Section 121.7 (relating to notice of denial and preliminary review procedures).

(6) Section 121.8 (relating to applicant and recipient appeals and hearings).

**§ 121.303. Qualified applicant.**

A qualified applicant in the Agriculture Education Loan Forgiveness Program shall be a person who meets the following requirements. The person:

- (1) Is a resident of this Commonwealth.
- (2) Holds a degree in a field related to the production of agricultural products or in the field of veterinary medicine, from an institution of higher education located within this Commonwealth.
- (3) Is in the first year of full-time employment or work on a family farm or in the practice of veterinary medicine. A portion of this activity shall be for the protection and enhancement of agricultural animal health and productivity, on or after July 1, 1991.
- (4) Has borrowed through the Agency-administered Federal Family Education Loan Programs.

**§ 121.304. Loan forgiveness.**

Qualified applicants who are selected for the Agriculture Education Loan Forgiveness Program in accordance with the policies established by the Agency shall be eligible for payment by the Agency of the PHEAA-approved indebtedness in the Agency-administered Federal Family Educational Loan Programs, including interest charges, if the indebtedness is at least \$500. The indebtedness may not include loans advanced by relatives of the borrower and other individuals. For each year that the participant is employed full time on a family farm or works full time on a family farm, a portion of which shall be located within this Commonwealth, or is engaged in the mixed practice of veterinary medicine within this Commonwealth, a portion of which activity shall be for the protection and enhancement of agricultural animal health and productivity, and who has obtained United States Department of Agriculture certification, and based upon the availability of funds, the repayment shall be up to \$2,000 per year. Forgiveness may not exceed \$2,000 for each year that the employment is fulfilled and no more than \$10,000 will be forgiven for any participant. The payment shall be made in accordance with the procedures established by the Agency.

**§ 121.305. Employment verification.**

Qualified applicants selected for the Agriculture Education Loan Forgiveness Program shall be required to submit documentation the Agency may require as proof that the individual has spent at least 35 hours per week working full time on a family farm or a family farm corporation, and is in compliance with all other criteria for eligibility as are annually made public by the Agency. The veterinarian shall provide proof that he is accredited by the United States Department of Agriculture/Animal, Plant, Health Inspection Service to perform accredited tasks in this Commonwealth and show that a portion of the applicant's activities are devoted to farm animals and are consistent with the American Veterinary Medical Association definition of "mixed practice of veterinary

medicine" (see § 121.301 (relating to definitions)). The veterinarian shall also be in compliance with the other criteria for eligibility.

**§ 121.306. Eligible place of employment.**

For the purposes of the Agriculture Education Loan Forgiveness Program, a family farm shall be the real property of a farm owned by members of an immediate family or by a family farm corporation used for the production, for commercial purposes, of agricultural products. A family farm corporation shall be a corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the immediate family.

[Pa.B. Doc. No. 96-1135. Filed for public inspection July 12, 1996, 9:00 a.m.]

**Title 52—PUBLIC UTILITIES**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

[L-950101]

**[52 PA.CODE CH. 57]**

**Electric Energy Emergency Notification Procedures**

The Pennsylvania Public Utility Commission (Commission) on February 22, 1996, adopted an order to promulgate the final regulation which adds subsection (c) to § 57.52 (relating to emergency load control and energy conservation by electric utilities) setting forth notification procedures and contact responsibilities for electric utilities in the event of either a load emergency situation or an emergency conservation situation, as defined under § 57.52(a). During energy-related emergencies, the affected utility must notify the Commission as soon as practical when a potential exists for widespread service disruptions which could adversely affect the public's health, safety or general well being. The regulation addresses the timing and method of initial notification and flow of information during the emergency. The contact persons are Blaine Loper, Bureau of Conservation, Economics, Energy and Planning, (717) 787-3810 and Patricia Krise Burket, Law Bureau, (717) 787-3464.

*Executive Summary*

As a result of the January 1994 electric energy emergency, by order dated February 3, 1994, at Docket No. M-00940031, the Commission established interim emergency notification requirements and contact responsibilities for electric utilities and directed staff to prepare a rulemaking that proposes appropriate amendments to § 57.52 to address issues of notification and information flow.

On March 16, 1995, the Commission adopted an order to promulgate this amendment. On May 22, 1995, a copy of the proposed rulemaking was submitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. The proposed amendments were published at 25 Pa.B. 2186 (June 3, 1995) with a 60-day comment period.

On February 22, 1996, the Commission adopted an order which amends § 57.52 by adding subsection (c) establishing emergency notification procedures for electric utilities.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the final rulemaking, which was published as proposed at 25 Pa.B. 2186, and served on May 22, 1995, to IRRC and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing this final-form regulation, the Commission has considered the comments received from IRRC, the Committees and the public.

This final-form regulation was deemed approved by the House Committee on Consumer Affairs and was approved by the Senate Committee on Consumer Protection and Professional Licensure, and was approved by IRRC on May 16, 1996, in accordance with section 5(c) of the Regulatory Review Act.

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

Public Meeting held  
February 22, 1996

#### **Final Rulemaking Order**

##### *By the Commission:*

Following the January 1994 electric energy emergency, by order dated February 3, 1994, at Docket No. M-00940031, the Commission established interim emergency notification requirements and contact responsibilities for electric utilities and directed staff to prepare a rulemaking that proposes appropriate amendments to § 57.52 that address issues of notification and information flow.

On March 16, 1995, the Commission adopted an order to promulgate this amendment. On May 22, 1995, a copy of the proposed rulemaking was submitted to IRRC and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. The proposed amendment was published at 25 Pa.B. 2186 with a 60-day comment period.

Comments were timely received from IRRC, the Honorable David R. Wright (Representative Wright), Pennsylvania Power Company (Penn Power), Pennsylvania Power & Light Company (PP&L), PECO Energy Company (PECO), UGI Utilities, Inc. (UGI) and the Pennsylvania Telephone Association (PTA). These comments constitute the record in this proceeding.

This order discusses the final-form amendment to § 57.52 set forth in Annex A which have resulted from the comments received.

Most of the comments focused on clarifying our notification requirements under subsection (c). In order to address these concerns, some provisions have been deleted and others have been rearranged in a more logical order.

IRRC believes that, although the Commission's points of contact must be made clear to the utilities, such

designation is an internal Commission matter which, depending on circumstances, may need to be changed in the future. IRRC recommends a more general requirement for utilities to notify the Commission. A more detailed internal procedure would provide specific points of contact and emergency telephone numbers which could be distributed to the utilities on a regular basis. We agree with this recommendation and have revised the amendment by replacing "Secretary or designee" with "the Commission" consistently throughout the final-form regulation.

PECO, UGI and IRRC commented on a discrepancy between the proposed subsection (c), which refers to an emergency situation defined under subsection (a), and subsection (c)(1), which refers to widespread service disruptions. Although these emergency situations have the obvious potential for widespread service disruptions, in order to alleviate any perceived discrepancy and avoid confusion, we have deleted the proposed subsection (c)(1) and have renumbered the remaining paragraphs.

IRRC recommended that additional details be added to the requirement for notification of the implementation of emergency procedures and for the submittal of status reports. The new subsection (c)(1) sets forth Commission notification and utility reporting requirements during a load emergency situation. Initial and subsequent notices of the implementation of emergency procedures are to be provided by the affected utility to the Commission by telephone. Additional emergency related information is to be faxed to the Commission at least every 3 hours, commencing with the initial notification. In response to IRRC's suggestion, we have listed specific information which must be included in the written report, such as generating unit availability and reserve capacity. This is information similar to that which the utilities have provided to the Commission in the past during load emergency situations.

Penn Power objected to the requirement to notify the Commission at the time either voluntary or involuntary load curtailments are first anticipated during a load emergency situation. Penn Power has contracted with numerous interruptible industrial customers to interrupt for both economic and emergency reasons. Thus, Penn Power suggested that notification should be required only when firm customers are directly impacted. We agree, and have revised the language in the new subsection (c)(1) to accommodate this suggestion.

The new subsection (c)(2) sets forth similar requirements applicable during energy conservation emergencies. Emergency related information to be provided by fax to the Commission includes fuel inventories, fuel deliveries and burn rates.

PP&L and UGI objected to the proposed requirement to provide notice during energy conservation emergencies "prior to the implementation of measures...". Since circumstances may dictate immediate action by the utility, there may not be time to provide the Commission with advance notice. Certainly, we do not want to hinder utilities in their response to emergency situations. Furthermore, we do not expect utilities to seek and obtain our permission prior to the implementation of emergency measures. In order to alleviate this concern, we have revised the amendment to require notice to telephone at the time of initial implementation of conservation measures.

Subsection (c)(3) requires utilities to provide the Commission with up-to-date lists of emergency contacts. This

requirement was previously included in subsection (c)(3) of the proposed amendment.

Subsection (c)(4), which was paragraph (1)(iii) of our originally proposed amendment, requires notification on a pool-wide basis, if applicable. We have added the phrase "or similarly integrated bulk power system with a single system operator" to accommodate other existing or future tightly integrated multi-utility operating structures. The phrase "in lieu of individual utility notification" has also been added to clarify the point that individual utility notification is not required if pool-wide notification is applicable.

In our proposed revisions to § 67.1, we attempted to clarify the applicability of the reporting requirements contained therein. Judging from the comments, the proposed revisions do not achieve the intended result. Thus, we have deleted the proposed amendment to § 67.1 and have added a new subsection (c)(5) which simply states that the reporting requirements of § 67.1 do not apply to the two types of emergency situations addressed under § 57.52.

In its comments, IRRC discusses the flow of information between the Commission and the Pennsylvania Emergency Management Agency (PEMA) or other representatives of the executive branch during an emergency. IRRC recommended that our final rule identify how the Commission will provide emergency information to PEMA and to whom informational requests from PEMA should be directed. We believe that IRRC's point with respect to the internality of the Commission's designated point of contact is equally valid here. The Commission's relationship with PEMA and other governmental agencies should not be the subject of regulations directed toward our jurisdictional utilities. Nevertheless, we have added subsection (c)(6) which states that the Commission will provide information to PEMA during emergency situations. Our originally proposed subsection (c)(4), which provided for an internal Commission energy monitoring team, has been deleted in the final rule. We have also added subsection (c)(7) indicating the Commission's intention to designate emergency contact individuals and provide the current list of contacts to the utilities and PEMA.

Representative Wright urges the Commission to incorporate recommendations contained in the House Consumer Affairs Committee's *Report on the Energy Emergency During the Week of January 17, 1994* in the final rule. IRRC averred that these concerns were beyond the limited scope of the emergency notification procedures regulation. We agree. We also point out that a majority of the recommendations contained in the Committee's report were addressed in the Commission's Electric Energy Emergency Investigation at Docket No. I-00940031 and subsequently acted upon by the electric utilities.

In the event of either a load emergency situation or an emergency energy conservation situation, the Commission is obligated to be knowledgeable and to act as a source of advice and counsel to other civil authorities. The promulgation of final regulations establishing emergency notification procedures is in the public interest. Accordingly, under sections 501, 504 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504 and 1501, and the Commonwealth Documents Law (45 P.S. § 1201 et seq.) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we amend § 57.52 as noted in this Preamble in the manner set forth in Annex A; *Therefore,*

*It is Ordered That:*

1. Section 57.52 is amended by adding subsection (c) establishing emergency notification procedures for electric utilities as set forth in Annex A.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both Houses of the General Assembly, and for formal review by IRRC.
5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. This amendment shall become effective upon publication in the *Pennsylvania Bulletin*.
7. The interim emergency notification requirements set forth in the Commission's order dated February 3, 1994, at Docket No. M-00940031 are rescinded upon publication of this order in the *Pennsylvania Bulletin*.
8. Copies of this order and Annex A be served upon all jurisdictional electric utilities, the Office of Consumer Advocate, the Office of Small Business Advocate and all other parties of record.

JOHN G. ALFORD,  
*Secretary*

*(Editor's Note:* The proposal to amend § 67.1, included in the proposal at 25 Pa.B. 2186 (June 3, 1995), has been withdrawn by the Commission.

For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 2669 (June 1, 1996).)

**Fiscal Note:** Fiscal Note 57-157 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 57. ELECTRIC SERVICE**

**Subchapter E. EMERGENCY REGULATIONS**

**§ 57.52. Emergency load control and energy conservation by electric utilities.**

(a) An electric public utility subject to the jurisdiction of the Commission shall include in its electric tariff rules and regulations filed with the Commission the following provision:

(1) RULE \_\_\_\_\_ EMERGENCY LOAD CONTROL.

(i) A load emergency situation exists whenever:

(A) The demands for power on all or part of the utility's system exceed or threaten to exceed the capacity then actually and lawfully available to supply the demands.

(B) System instability or cascading outages could result from actual or expected transmission overloads or other contingencies.

(C) The conditions exist in the system or another public utility or power pool with which the utility's system is interconnected and cause a reduction in the capacity available to the utility from that source or threaten the integrity of the utility's system.

(ii) In this case, the utility shall take the reasonable steps as the time available permits to bring the demands within the then-available capacity or to otherwise control load. The steps shall include, but are not limited to, reduction or interruption of service to one or more customers, in accordance with the utility's procedures for controlling load.

(2) RULE \_\_\_\_\_ EMERGENCY ENERGY CONSERVATION. An emergency energy conservation situation exists whenever events result or, in the judgment of the utility, threaten to result in a restriction of the fuel supplies available to the utility or its energy vendors, so that the amount of electric energy which the utility is able to supply is or will be adversely affected. In the event of an emergency energy conservation situation, the utility shall take reasonable measures that it believes necessary and proper to conserve available fuel supplies. The measures may include, but are not limited to, reduction, interruption or suspension of service to one or more of its customers or classes of customers in accordance with the utility's procedure for emergency energy conservation.

(b) A utility shall establish procedures for controlling load and emergency conservation.

(1) These procedures shall include schedules of load shedding priorities to be followed in compliance with subsection (a).

(2) These procedures may be revised by the utility, and shall be revised if required by the Commission.

(3) A copy of the procedures or of the revision currently in effect shall be kept available for public inspection at the office at which the utility maintains a copy of its tariff for public inspection, and another copy shall be kept on file with the Commission's Bureau of Conservation, Economics and Energy Planning.

(c) In the event of either a load emergency situation or an emergency energy conservation situation, as defined under subsection (a), the following emergency notification procedures apply:

(1) During load emergencies, initial notice shall be provided by telephone to the Commission no later than the time a voltage reduction warning is issued on the electric system. If a utility does not have the capability to implement system-wide automatic voltage reductions, notice shall be provided to the Commission prior to the implementation of emergency measures which would have a direct impact on firm customers. Notification shall be provided to the Commission as each subsequent load control procedure is either implemented or cancelled. During the course of the load emergency situation, the affected utility shall provide other emergency related information to the Commission that the Commission determines to be necessary. Information shall be provided by fax at a minimum of every 3 hours commencing with initial notification of an emergency situation and shall include the following:

(i) System operating capacity.

(ii) Current system load.

(iii) Projected system peak load and hour.

(iv) System operating reserve capacity.

(v) Capacity transactions.

(vi) Unavailable generating units.

(vii) Status of implementation of emergency operating procedures.

(viii) Customers and loads affected by manual load shedding, if applicable.

(2) During energy conservation emergencies, notice shall be provided by telephone to the Commission at the time of initial implementation of measures which the utility determines to be necessary to conserve available fuel supplies and which would have a direct impact on firm customers. Notification shall be provided to the Commission as each subsequent emergency conservation procedure is either implemented or cancelled. During the course of the emergency energy conservation situation, the affected utility shall provide other emergency related information to the Commission that the Commission determines to be necessary. Information shall be provided by fax at a minimum of every 3 hours commencing with initial notification of an emergency situation and shall include the following:

(i) Fuel inventories.

(ii) Fuel deliveries.

(iii) Burn rates.

(iv) Curtailment schedules, if applicable.

(3) The utility shall designate emergency contact individuals from which emergency information may be obtained and provide the Commission with a current list of contacts.

(4) Utilities which operate within a power pool or similarly integrated bulk power system with a single system operator shall provide notification and other emergency related information to the Commission through their designated representative if the emergency situation affects the entire integrated system, in lieu of individual utility notification.

(5) Section 67.1 (relating to general provisions) does not apply to either load emergency situations or emergency energy conservation situations.

(6) The Commission will provide information to the Pennsylvania Emergency Management Agency during emergency situations.

(7) The Commission will designate emergency contact individuals to be contacted by the utilities to meet the requirements of this section. The Commission will provide the current list of Commission contacts to the utilities and the Pennsylvania Emergency Management Agency.

[Pa.B. Doc. No. 96-1136. Filed for public inspection July 12, 1996, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 2, 1996.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-27-96	Meridian Bank, Reading, and CoreStates Bank, National Association, Philadelphia surviving institution— CoreStates Bank, National Association, Philadelphia	Philadelphia	Effective

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-24-96	Farmers & Merchants Trust Company Chambersburg Franklin County	Menno Haven Penn Hall Retirement Community 1425 Philadelphia Ave. Chambersburg Franklin County	Opened
6-26-96	The Dime Bank Honesdale Wayne County	Route 507 Greentown Pike County	Approved
6-28-96	First Commonwealth Bank Indiana Indiana County	2009 Pleasant Valley Boulevard Altoona Blair County	Filed
7-1-96	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	3 East First St. Boiling Springs Cumberland County	Filed

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-28-96	United Bank of Philadelphia Philadelphia Philadelphia County	<i>To:</i> 38th Street and Lancaster Avenue Philadelphia Philadelphia County  <i>From:</i> 1015 North Marshall St. Philadelphia Philadelphia County	Filed
6-28-96	United Bank of Philadelphia Philadelphia Philadelphia County	<i>To:</i> Front Street and Olney Avenue Philadelphia Philadelphia County  <i>From:</i> 1321 Lindley Avenue Philadelphia Philadelphia County	Filed

### SAVINGS ASSOCIATIONS

No activity.



## NOTICES

## CREDIT UNIONS

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-1137. Filed for public inspection July 12, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

## APPLICATIONS

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to this 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 Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be 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 accommodations to participate in the proceedings should contact the Community Relations Coordinator at (717) 657-4585. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654- 5984.

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

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

**PA 0087416.** Industrial waste, SIC: 9999, **Schmidt Baking Company**, 7801 Fitch Lane, Baltimore, MD 21238.

This application is for issuance of an NPDES permit for a new discharge of treated groundwater to an unnamed tributary to Codorus Creek by storm swale, in Manchester Township, **York County**.

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

The proposed effluent limits for Outfall 001 for a design flow of .009 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
pH	within the limits of 6.0—9.0 (s.u.) at all times		
Total BTEX	0.1	0.2	0.25
Benzene	0.001	0.002	0.0025
Toluene	monitor and report		
Ethylbenzene	monitor and report		
Xylene	monitor and report		

The EPA waiver is in effect.

**PA 0012998.** Industrial waste, SIC: 2821, 2851, 2891 and 2952, **Atlas Minerals and Chemicals, Inc.**, 1227 Valley Road, P. O. Box 38, Mertztown, PA 19539-0038.

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

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

The proposed effluent limits for Outfalls 001, 301 and 201 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
pH	6.0—9.0 at all times		
TSS	10		25
Total Iron	0.3		0.75
Total Manganese	monitor and report		

The proposed effluent limits for Outfall 101 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
pH	6.0—9.0 at all times		
TSS	1.44 lbs.	2.13 lbs.	

Stormwater Outfalls 001 and 401 will be monitored for: CBOD, COD, TSS, Total Phosphorus, Total Kjeldahl Nitrogen, Total Iron, Oil and Grease and pH.

The EPA waiver is in effect.

**PA 0081418.** Industrial waste, SIC: 2024, **Rutter's Dairy, Inc.**, 2100 North George Street, York, PA 17404- 1898.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Codorus Creek, in Manchester Township, **York County**.

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

The proposed effluent limits for Outfall 001 for a design flow of .019 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Temperature (°F)	monitor and report		
pH	from 6.0—9.0 inclusive		

The EPA waiver is in effect.

**PA 0080187.** Industrial waste, SIC: 4953, **Dauphin Meadows, Inc.** (Landfill), 310 Leger Road, North Huntingdon, PA 15642.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Wiconisco Creek, in Washington Township, **Dauphin 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 Dauphin Consolidated Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.03 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s.u.)	from 6.0—9.0 inclusive		
CBOD <sub>5</sub>	35	70	87
Total Suspended Solids	100	200	250
Total Dissolved Solids	monitor and report		
Ammonia Nitrogen			XXX
(5-1 to 10-31)	5	10	12
(11-1 to 4-30)	15	30	36

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	5.0 mg/l at all times		
Fecal Coliforms (5-1 to 9-30)	200	XXX	XXX
(10-1 to 4-30)	8,700	XXX	XXX
Antimony	0.25	0.50	0.62
Arsenic	0.05	0.10	0.13
Beryllium	0.005	0.010	0.013
Cadmium	0.002	0.004	0.005
Chromium (T)	0.125	0.25	0.313
Copper	0.02	0.03	0.05
Lead	0.005	0.01	0.013
Nickel	0.2	0.4	0.5
Selenium	0.01	0.02	0.03
Silver	0.004	0.008	0.010
Thallium	0.005	0.010	0.013
Zinc	0.14	0.28	0.35
Cyanide	0.01	0.02	0.03
Barium	0.30	0.60	0.75
Boron	3.0	6.0	7.5
Cobalt	0.05	0.10	0.13
Iron	2.4	4.8	6.0
Manganese	1.0	2.0	2.5
Tin	0.8	1.5	2.0
Aluminum	0.3	0.6	0.8
Vanadium	monitor and report		XXX
Benzene	0.02	0.04	0.05
Chlorobenzene	0.05	0.10	0.13
1,1-Dichloroethane	0.09	0.18	0.23
Chloromethane	0.10	0.20	0.25
Methylene Chloride	0.1	0.2	0.3
Toluene	0.05	0.10	0.13
1,2-Transdichloroethylene	0.003	0.06	0.08
1,1,1-Trichloroethane	0.1	0.2	0.3
Phenol	0.05	0.10	0.13
Chloroform	0.010	0.020	0.025
Butyl Benzyl Phthalate	0.01	0.02	0.03
2- Chloronaphthalene	0.01	0.02	0.03
Diethyl Phthalate	0.03	0.06	0.08
Isophorone	0.05	0.10	0.13
Lindane	0.0002	0.0004	0.0005
4,4-DDT	0.0000025	0.0000050	0.0000062
Acetone	0.1	0.2	0.3
2-Butanone	0.210	0.420	0.525
1,2,3-Trichloropropane	0.1	0.2	0.3
Xylene	monitor and report		XXX
Tetrahydrofuran	0.03	0.06	0.08
P-cresol	0.050	0.100	0.125
2-Hexanone	0.02	0.04	0.05
4- Methylene-2 Pentanone	0.02	0.04	0.05
Dibromomethane	0.01	0.02	0.03
1,2-Dichloroethane	0.007	0.014	0.017
Carbontetrachloride	0.005	0.010	0.012

Outfalls 002 and 003 receive stormwater runoff from retention ponds.

The EPA waiver is in effect.

**PA 0044911.** Industrial waste, SIC: 2023, **Holly Milk**, Division of Atlantic Dairy Cooperative, 405 Park Drive, Carlisle, PA 17013.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Mountain Creek, in South Middleton Township, **Cumberland 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 in Fairview Township, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.481 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s.u.)	from 6.0—9.0 inclusive		
Total Suspended Solids	monitor and report		33.0
CBOD <sub>5</sub>	monitor and report		26.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5	3.0	3.75
(11-1 to 4-30)	4.5	9.0	11.0
Phosphorus	2.0	4.0	5.0
Temperature	monitor and report		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		

The proposed effluent limits for Outfall 101 for a design flow of 0.200 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s.u.)	from 6.0—9.0 inclusive		
Total Suspended Solids	monitor and report		
CBOD <sub>5</sub>	monitor and report		
NH <sub>3</sub> -N	monitor and report		
Phosphorus	monitor and report		
Temperature	monitor and report		

The proposed effluent limits for Outfall 102 for a design flow of 0.281 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s.u.)	from 6.0—9.0 inclusive		
Temperature	monitor and report		

The EPA waiver is not in effect.

**PA 0080055.** Sewage, SIC: 4952, **Conewago Industrial Park Sewer and Water Company**, 1600 North Second Street, Harrisburg, PA 17102.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Conewago Creek, in West Donegal Township, **Lancaster County**.

The receiving stream is classified for trout stock 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 Columbia Borough Water Company located in Columbia Borough. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.15 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			50
Total Suspended Solids	30			60
NH <sub>3</sub> -N				
(5-1 to 10-31)	11.5			23
(11-1 to 4-30)	34.5			
Total Phosphorus	2.0			4.0
Total Residual Chlorine	1.0			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)	9,800/100 ml as a geometric average			

The EPA waiver is in effect.

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

**PA 001562.** Industrial waste, SIC: 3316, **Wheeling-Pittsburgh Steel Corporation**, 1134 Market Street, Wheeling, WV 26003.

This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from the Allenport Plant in Allenport Borough, **Washington County**.

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

evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Washington Township Municipal Authority, located at 1390 Fayette Avenue, Belle Vernon, PA 15012, 0.95 mile below the discharge point.

Outfall 001: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

This outfall shall consist solely of uncontaminated stormwater runoff from the AMROX Plant exiting the north end of the plant into the municipal storm sewer.

Outfall 202:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids	492	1,062	monitor and report		88
Oil and Grease	164	449	monitor and report		38
Lead	2.46	7.37	monitor and report		0.56
Zinc	2.43	7.30	monitor and report		0.38
Naphthalene		0.84	monitor and report		0.13
Tetrachloroethylene		1.27	monitor and report		0.19
pH (s.u.)	6.0—10.0				

Outfall 002: existing discharge, design flow of 6.43 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)				110	
Oil and Grease			15		30
pH	6.0—9.0				

Outfall 003: existing discharge, design flow of 1.19 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)				110	
Fecal Coliforms					
pH	6.0—9.0				

Outfall 004: existing discharge, design flow of 0.13 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)				110	
pH	6.0—9.0				

Outfall 005: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease			monitor and report		
Aluminum			monitor and report		
Iron			monitor and report		
Fecal Coliforms			monitor and report		

Outfall 007: existing discharge, design flow of 5.26 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				

Outfall 008: new stormwater discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			monitor and report		
Iron			monitor and report		
Lead			monitor and report		
Zinc			monitor and report		
Oil and Grease			monitor and report		

Outfall 010: existing discharge, design flow of 1.04 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

All material (solids and other debris) collected on the intake screens shall be collected and disposed of in a manner such as will prevent said material from re-entering the surface waters.

The EPA waiver is not in effect.

**PA 0216593.** Industrial waste, SIC: 4922, **Texas Eastern Transmission Corporation**, 5444 Westheimer Court, WT 712, Houston, TX 77056-5388.

This application is for issuance of an NPDES permit to discharge treated groundwater from Holbrook Compressor Station in Richhill Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters of North Fork of Dunkard Fork Creek, classified as trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics.

Outfall 001: existing discharge, design flow of 0.0489 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report				
Polychlorinated Biphenyls (Total PCBs)			8.23 × 10 <sup>-7</sup>	1.65 × 10 <sup>-6</sup>	
pH	6.0—9.0				

*Other Conditions:* The above water quality based effluent limitations are well below the minimum detection level and are not quantifiable using EPA approved analytical methods. Therefore, a special condition is included in the permit to address this issue. See Item No. 3 in Part C of the permit for more information.

The EPA waiver is in effect.

**PA 0046230.** Sewage, **Carmichaels-Cumberland Joint Sewer Authority**, P. O. Box 304, 103 Municipal Road, Carmichaels, PA 15320-0304.

This application is for renewal of an NPDES permit to discharge treated sewage from the Carmichaels-Cumberland Joint Sewer Authority Sewage Treatment Plant in Cumberland Township, **Greene County**.

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

Outfall 001: existing discharge, design flow of 0.8 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>				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	20	30		40
Suspended Solids	25	37.5		50
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.5	5.3		7.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	0.02			0.07
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0095001.** Sewage, **Lincoln Borough**, R. D. 4, Box 120B, Mable Drive, Elizabeth, PA 15037.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Coursin Hollow Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company on the Monongahela River at mile 4.4.

Outfall 001: existing discharge, design flow of 0.0088 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10	15		20
Suspended Solids	25	38		50
Ammonia Nitrogen (5-1 to 10-31)	3	4.5		6
(11-1 to 4-30)	9	13.5		18
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	0.8			1.8
Dissolved Oxygen	not less than 5 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

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

**PA 0010391.** Industrial waste, SIC: 3255, 3297, **North American Refractories Company**, P. O. Box 56, Curwensville, PA 16833-0056.

This proposed action is for renewal of an NPDES permit for existing discharges of noncontact cooling water and stormwater runoff to Anderson Creek in Pike Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold 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 existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton approximately 175 river miles downstream.

The proposed effluent limits are: Outfalls 002 and 005—noncontact cooling water and stormwater runoff.

Parameter	Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
Oil and Grease	15	30

Outfalls 001, 003, 004, 006, 007 and 008 consist of stormwater discharges that are all covered under a general NPDES industrial stormwater permit.

The EPA waiver is in effect.

**PA 0112941.** Industrial waste, SIC: 3423, **Pro American Manufacturing Corporation**, P. O. Box 391, Emporium, PA 15834.

This proposed action is for renewal of an NPDES permit for an existing emergency discharge of untreated noncontact cooling water to Driftwood Branch Sinnemahoning Creek in Emporium Borough, **Cameron County**.

The receiving stream is classified for the following uses: trout stocking, 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 0.0008 mgd are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
Temperature	monitor and report				
Copper	0.035	0.070	0.087		
Zinc	0.232	0.464	0.570		
Total Suspended Solids	30		60		
Oil and Grease	15		30		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0032409.** Industrial waste, SIC: N/A, **Department of Conservation and Natural Resources**, HC63 Box 100, Waterville, PA 17776-9705.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated swimming pool back wash wastewater to Log Road Hollow Run in Chapman Township, **Clinton County**.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.04 mgd are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
TSS	30		60		
Total Residual Cl <sub>2</sub>	De-chlorinate				
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

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

**PA 0031747.** Sewage, **Glen Mills School**, Glen Mills Road, Concordville, PA 19331.

This application is for renewal of an NPDES permit to discharge treated sewage from the Glen Mills School sewage treatment plant in Thornbury Township, **Delaware County**. This is an existing discharge to East Branch Chester Creek.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001 based on an average flow of 0.15 mgd are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	13	26
(11-1 to 4-30)	20	40
Total Residual Chlorine		
(years 1 and 2)	monitor/report	monitor/report
(years 3, 4 and 5)	0.5	1.2
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	



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

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

**Letterkenny Army Depot**, ATTN: SDSLE-EN/Bldg. 618, Chambersburg, Pennsylvania 17201-4150 has applied to renew its current NPDES Permit, PA 0030597, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to the proposed permit actions, under waiver provision 40 CFR 123.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Southcentral Regional Office, Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110 within 30 days from the date of this public notice. Comments received within this 30 day period will be considered before taking a final permit action. Comments should include the name address and telephone number of the writer and a brief statement to inform the Regional Office of the basis of the 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 Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin*, at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, com-

ments received and other information are on file in the Regional Office. The documents may be inspected at, or a copy requested from, the Regional Office listed above.

**Gateway Unlimited, Inc.**, 871 Range End Road, Dillsburg, PA 17019 has applied to renew its current NPDES Permit, PA 0083801, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

**Blue Mountain Academy**, Route 3, Box 542, Hamburg, PA 19526, has applied to renew its current NPDES Permit, PA 0070378, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

**Akzo Nobel Salt, Inc.**, Abington Executive Park, P. O. Box 352, Clarks Summit, PA 18411-0352 has applied to renew its current NPDES Permit, PA 0084387, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

**DeCoven Facilities**, 1909-3 State Road, Duncannon, PA 17020 has applied to renew its current NPDES Permit, PA 0080471, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge

management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

**Schuylkill Valley School District**, R. R. 2, Box 2165, Leesport, PA 19533-0915 has applied to renew its current NPDES Permit, PA 0051829, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from

the terms of the existing permit will be documented and published with the final Department actions.

**Letterkenny Army Depot**, Attn: SDSLE-EN/Bldg. 618, Chambersburg, PA 17201 has applied to renew its current NPDES Permit, PA 0044521, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0007641	Tarmac Minerals, Inc. P. O. Box 160 Annville, PA 17003	Adams Oxford	Beaver Creek	TRC
PA0080209	Hoffman Homes For Youth Mt. Joy, PA	Adams Mt. Joy	Lousy Creek	TRC
PA 0081787	Telco Developers 5 Maple Avenue Manheim, PA 17545	Lebanon West Cornall	Chickees Creek	TRC
PA0084018	Fishing Creek Estates 1309 Laurel Point Circle Harrisburg, PA 17111	Dauphin Middle Paxton	Fishing Creek	TRC

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

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

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

which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

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

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

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

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

**NPDES Permit PAS10Y052.** Stormwater. **Richard and Mary Patterson**, 545 Bridgeview Drive, Lemoyne,

PA 17403 has applied to discharge stormwater from a construction activity located in Franklin Township, **York County**, to Bermudian Creek.

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

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

**A. 6796201.** Sewage, **Baker Refractories**, 232 E. Market Street, P. O. Box 1189, York, PA 17405-1189 in West Manchester Township, **York County** to install a Flow Equalization Tank at the facility at 225 Emigs Mill Road, was received in the Southcentral Regional Office on June 12, 1996.

**A. 3696406.** Sewage, **Zerbe Sisters Nursing Center**, 2499 Zerbe Road, Narvon, PA 17555 in Caenarvon Township, **Lancaster County** to replace an existing Activated Sludge Treatment Plant with a sewage treatment plant was received in the Southcentral Regional Office on June 17, 1996.

**A. 0196403.** Sewage, **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325 in Cumberland Township, **Adams County** to construct and operate the Culps Run Relief Interceptor was received in the Southcentral Regional Office on June 24, 1996.

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

**1596407.** Sewerage, **Downingtown Area Regional Authority**, (P. O. Box 8, Exton, PA 19341-0008). Request rerate of wastewater treatment plant to serve Downingtown Area Regional Authority located in East Caln Township, **Chester County**.

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

**A. 0296407.** Sewerage, **Shirley R. Gleditsch and Genevieve C. Leib**, 545 Warrendale-Bayne Road, Baden, PA 15005. Application for the construction and operation of a single residence sewage treatment plant to serve the Gleditsch/Leib Residence located in Marshall Township, **Allegheny River**.

**A. 5696404.** Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501. Application for construction and operation of sewer extension and pumping stations to serve the Lakeside Estates located in Somerset Township, **Somerset County**.

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

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

**A. 4996501.** **Bruce E. Shoch**, R. D. 1, Box 132A, Sunbury, PA 17801, Augusta Township, **Northumberland County**. Develop a spring for use as a bulk water supply to any water bottling facilities needing spring water. The facility will pump up to 50 gpm from the spring to a 30,000 gallon storage tank and then distributed to tank trucks—owned by others.

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

**A. 1696501.** Public water supply. **West Freedom Water Association**, R. D. 2, Box 150, Parker, PA 16049. This proposal involves permitting existing well, no. 001, finished water storage tanks and distribution. New well house to be constructed with iron and manganese removal and disinfection. Pitless adaptor and grout seal to be provided for well no. 001, all other sources to be abandoned. Facility located Perry Township, **Clarion County**.

*Type of Facility: Public water supply.*

*Consulting Engineer: Angelo A. Tesoriero, P.E., GeoSource, 7 South Seasons Drive, Dillsburg, PA 17019-9553.*

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

**A. 4696506.** Public water supply. **Horsham Water Authority**, Ralph H. McQuaid, 617A Horsham Road, Horsham, PA 19044. This proposal involves the installation of an aeration system and clear well to remove radon and carbon dioxide for an existing water system, well no. 26 in Horsham Township, **Montgomery County**.

**A. 0996510.** Public water supply. **Warwick Township**, 2242 Old York Road, Jamison, PA 18929. This proposal involves the construction of a public water supply system. The project includes construction of three wells, an air stripper, a storage tank and a disinfection system in Warwick Township, **Bucks County**.

**A. 0996509.** Public water supply. **Township of Falls**, James J. Dillion, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030. This proposal involves the construction of a chlorine booster station to add sodium hypochlorite in the distribution system where low chlorine residual have been observed in Falls Township, **Bucks County**.

**Acknowledgment of Notice of Intent to Remediate**

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act, act of May 19, 1995 (P. L. 4, No. 2) (35 P. S. § 6026.101 et seq.).

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

For further information concerning the content of a Notice of Intent to Remediate, please contact the Depart-

ment of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

**Pennsylvania Power & Light Company Distribution Pole 23642S32801**, Derry Township, **Dauphin County**. Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the Harrisburg *Patriot News* during the week of July 8, 1996.

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact Steve Curcio at (814) 332-6816.

TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

**The City of Farrell/Former Sharon Steel Coil Storage Yard**, Broadway Avenue (west side) near Staunton Street, Lot #2B, City of Farrell, **Mercer County**, has submitted a Notice of Intent to Remediate site soils and groundwater. The site has been found to be contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Special Industrial Areas Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the Sharon *Herald* on June 12, 1996.

**The City of Farrell/Former Sharon Steel Corporation Billet Yard**, Lots #4A, #4B and #4C, Broadway Avenue, City of Farrell and Borough of Wheatland, **Mercer County**, has submitted a Notice of Intent to Remediate site soils and groundwater. The site has been found to be contaminated with lead, heavy metals, PHCs and PAHs. The applicant proposes to remediate the site to meet the Special Industrial Areas Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the Sharon *Herald* on June 12, 1996.

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**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.**

*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**A. 602871.** (Modification). **Charles and Barbara Swartzwelder Farm**, East Providence Township Municipal Authority, (P. O. Box 83, Breezewood, PA 15533-0083). Application for operation of an agricultural utilization of sewage sludge site in East Providence Township, **Bedford County**. Application determined to be administratively complete in the Regional Office June 24, 1995.

**A. 101653.** **Hanover Wastewater Treatment Plant**, Wheelabrator Water Technologies (180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). Application for reconstruction of a wastewater treatment plant to convert to septic/sludge/food processing waste processing facility in Conewago Township, **Adams County**. Application determined to be administratively complete in the Regional Office June 27, 1996.

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

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

**Permit No. 101468.** **USA Waste Transfer of Philadelphia, Inc.**, 3600 South 26th Street, Philadelphia, PA 19145. This major permit modification is to re-issue the permit currently held by Mid-American Waste Systems of Pennsylvania, Inc. to USA Waste Transfer of Philadelphia, Inc. Facility located in the City of Philadelphia. Application received in the Southeast Regional Office on June 11, 1996.

**Permit No. 101477. BFI-Philadelphia Transcyclery**, 2909 South 58th Street, Philadelphia, PA 19148. This major modification is to re-issue the permit currently held by Philadelphia Recycling and Transfer Station to BFI-Philadelphia Transcyclery. Facility located in the City of Philadelphia. Application received in the Southeast Regional Office on June 25, 1996.

*Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516.*

**Permit I. D. No. 100020. City of Bethlehem Sanitary Landfill**, 10 East Church Street, Bethlehem, PA 18018. A Major Permit Modification to increase the average daily tonnage, to change the filling sequence and subbase material for this municipal waste landfill, located in Lower Saucon Township, **Northampton County**. The major permit modification was received on June 11, 1996, and was determined to be complete in the Regional Office on June 18, 1996.

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

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

**A. 301294. Petromax, Ltd.**, 301 Prestley Avenue, Carnegie, PA 15106. Petromax Ltd., 301 Prestley Avenue, Carnegie, PA 15106. Application for a residual waste processing facility in Collier Township, **Allegheny County**, was received in the Regional Office on June 18, 1996.

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

*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**06-1035A.** Construction of a VOL storage tank controlled by a pressure/vacuum vent by the **Glidden Company** (Third and Bern Streets, Reading, PA 19601) in Reading, **Berks County**. The source is subject to 40 CFR 60, Subpart Kb, Standards of Performance for New Stationary Sources.

**06-318-064B.** Construction of two sheet coaters and drying ovens controlled by two catalytic oxidizers by **Can Corporation of America** (P. O. Box 170, Blandon, PA 19510) in Maiden creek Township, **Berks County**.

**36-318-159.** Construction of a paint spray booth by **Goodhart Sons, Inc.** (2515 Horseshoe Road Facility, P. O. Box 10308, Lancaster, PA 17605-0308) in Upper Leacock Township, **Lancaster County**.

**67-320-027A.** Installation of two lithographic printing presses by **Flexi-Tech Graphics, Inc.** (14 Barnhart Drive, Hanover, PA 17331) in Hanover Borough, **York County**.

**05-323-005A.** Construction of a controlled pyrolysis cleaning oven by **Cannondale Corporation** (R. D. 7, Friendship Road, Bedford, PA 15522) in Bedford Township, **Bedford County**.

*Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**65-305-052. Amerikohl Mining Inc.** (202 Sunset Drive, Butler, PA 16001) for a Coal Crushing Plant at its facility located in Mt. Pleasant Township, **Westmoreland County**.

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

*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**06-304-044A.** The Department intends to issue an Air Quality Operating Permit to **Fairmont Foundry, Inc.** (Front and Pine Streets, Hamburg, PA 19526) for a sand reclaim operation controlled by a fabric collector in Hamburg, **Berks County**.

**31-310-025B.** The Department intends to issue an Air Quality Operating Permit to **U. S. Silica Company** (P. O. Box 187, Berkeley Springs, WV 25411) for a silica sandstone dry screening operation controlled by a fabric collector at their Keystone Plant in Brady Township, **Huntingdon County**.

**07-305-001.** The Department intends to issue an Air Quality Operating Permit to **CQ, Inc.** (One Quality Center, R. R. 2, Box 2113, Homer City, PA 15748) for an E-fuel production facility located in Snyder Township, **Blair County**. The source is subject to 40 CFR 60, Subpart Y, Standards of Performance for New Stationary Sources.

**21-2011.** The Department intends to issue an Air Quality Operating Permit (VOC RACT) to **The Frog, Switch & Manufacturing Company** (P. O. Box 70, Carlisle, PA 17013) for a manganese steel castings foundry in Carlisle, **Cumberland County**.

**67-2002.** The Department intends to issue an Air Quality Operating Permit (NOx RACT) to **Stone Container Corporation** (P. O. Box 1429, York, PA 17405-1429) for a paperboard manufacturing plant in Spring Garden Township, **York County**.

**67-2032.** The Department intends to issue an Air Quality Operating Permit (VOC and NOx RACT) to **Harley-Davidson Motor Company** (1425 Eden Road, York, PA 17402) for a motorcycle manufacturing facility in Springettsbury Township, **York County**.

*Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**65-399-033.** The Department intends to issue an air quality control operating permit to **Sony Electronics Inc.**, (1001 Technology Drive, Mt. Pleasant, PA 15666) for cathode ray tube manufacturing ovens at its Pittsburgh Manufacturing Center located in East Huntingdon Township, **Westmoreland County**.

**65-399-035.** The Department intends to issue an air quality control operating permit to **Sony Electronics, Inc.**, (1001 Technology Drive, Mt. Pleasant, PA 15666) for a 35V cathode ray tube manufacturing line at its Pittsburgh Manufacturing Center located in East Huntingdon Township, **Westmoreland County**.

**63-308-036.** The Department intends to issue an air quality control operating permit to **General Alloys, Inc.**, (P. O. Box 1205, 135 West Wiley Avenue, Washington, PA 15301) for scrap aluminum remelt furnaces at its plant located in Canton Township, **Washington County**.

**04-302-060.** The Department intends to issue an air quality control operating permit to **Interforest Corporation**, (119 AID Drive, P. O. Box 444, Darlington, PA 16115) for a gas fired boiler at its plant located in Darlington Township, **Beaver County**.

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

*Regional Office: Southeast Regional Office, Bureau of Air Quality Control, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**46-327-017.** On June 5, 1996, an application was received from **SPS Technologies, Inc.** (Highland Avenue, Jenkintown, PA 19001) for the installation of a vapor degreaser to be located in Abington Township, **Montgomery County**.

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

**OP-09-0016A.** On June 20, 1996, an application was received from **PECO Energy Company** (955 River Road, Bristol, PA 19057) for the construction of a Facility VOC/NOx RACT to be located in the Bristol Township, **Bucks County**.

**Reasonably Available Control Technology; Public Hearing**

Approval of Reasonably Available Control Technology (RACT) Plan for Hershey Chocolate USA, Hershey East Plant (Hershey East).

The Department of Environmental Protection has made a preliminary determination to approve the RACT plan and proposes to revise the State Implementation Plan (SIP) for Hershey East's chocolate candy and confectionery manufacturing facility located in Derry Township, Dauphin County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if approved, will be incorporated into an operating permit for the facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

The sources at the facility for which a RACT determination is being made include two natural gas/No. 6 fuel oil fired boilers, two natural gas fired emergency backup boilers and miscellaneous natural gas fired combustion sources. The final operating permit will contain NOx emission and fuel oil consumption limits for the two dual fuel fired boilers; natural gas consumption limits for the two backup boilers; and recordkeeping requirements.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3 p.m., Monday through Friday. The office is located at One Ararat Boulevard, Harrisburg, PA 17110.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on August 14, 1996, at the Department's Southcentral Regional Office, One Ararat Boulevard, Harrisburg, PA 17110 from 10 a.m. until all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Sandy Roderick at (717) 541-7969 at least 1 week in advance of the hearing to schedule their testimony. Commentors are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on its behalf.

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 Sandy Roderick at (717) 541-7969 or through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but who wish to comment, should provide written comments to Richard Roller, Air Pollution Control Engineer, DEP, One Ararat Boulevard, Harrisburg, PA 17110. These written comments should be submitted by August 14, 1996.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 11:30 a.m. in the Waterfront Room, DEP offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) for the Texas Eastern Transmission Corporation's Lilly Station in Cresson Township, Cambria County.

The proposed RACT approval for the Lilly Compressor Station would approve the implementation of presumptive RACT on six ancillary sources.

A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Those wishing to present testimony during the hearing should contact community relations coordinator Betsy Mallison at (412) 442-4182 to register.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Betsy Mallison or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but who wish to comment, should provide written comments to Bill Charlton, Chief, Engineering Services, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted by August 29.

Copies of the RACT applications and the DEP evaluations, are available for review from 8 a.m. to 4 p.m. in DEP's Southwest Regional Office at 400 Waterfront Drive, Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 11:45 a.m. in the Waterfront Room, DEP offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) for the Somerset State Hospital, Somerset, Somerset County.

The proposed RACT permit for the Somerset State Hospital is for the application of RACT synthetic minor consideration for the three Riley Boilers limiting their consumption of coal to 18,947 tons calculated on a 12 month running total basis. The other sources associated with the Hospital (two residential gas-fired furnaces and six emergency generators) will take presumptive RACT for maintenance and operation in accordance with the manufacturer's specifications.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 9:30 a.m. in the Waterfront Room DEP offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) for LTV Steel Company in Aliquippa, Beaver County; Koppel Steel in Koppel, Beaver County; Anchor Hocking Specialty Glass Company in Monaca, Beaver County; United Coaters in Ambridge, Beaver County and AES Beaver Valley Cogeneration facility in Monaca, Beaver County.

#### *LTV Steel Company*

The proposed RACT permit for the Aliquippa Works involves the installation of low oxides of nitrogen (Low-NO<sub>x</sub>) burners on two of three package boilers while retaining the conventional burner on the third boiler, but limiting the annual fuel usage on that unit to 200 MMCF and potential annual NO<sub>x</sub> emissions to 14 tons per year. The other small combustion sources would also be limited to annual NO<sub>x</sub> emissions.

#### *Koppel Steel*

For the Rotary Hearth furnace, Koppel proposes to employ the use of the low excess air at 10% to minimize NO<sub>x</sub> formation. For the electric arc furnace and ladle refining station, Koppel proposed the operation and maintenance in accordance with good air pollution control practice. All other sources at the facility will take the presumptive RACT provisions as described in the Department's regulations.

#### *Anchor Hocking Specialty Glass Company*

The RACT Operating Permit is for the operation of Low-NO<sub>x</sub> burners, underreport firing, and low-excess air on a melter tank, the application of presumptive RACT on the annealing and decorating lehrs, the application of presumptive RACT on the quench lehrs, and the removal of niter addition from the glass-making process by Anchor Hocking.

#### *United Coaters*

The proposed RACT permit for the Ambridge Plant is for the application of presumptive RACT to the three Cleaver Brooks Steam Boilers, and the operation of an incinerator on the emissions from the coil coating operation. This incinerator will perform with an efficiency adequate to reduce the volatile organic compounds (VOCs) emitted from the coating materials employed to a level meeting the requirements of 25 Pa. Code § 129.52. Based upon this information, the current work practices in the cleanup and paint mixing areas, limit solvent emissions to a level for which further environmental benefit would require expenditures beyond the RACT guidelines.

#### *AES Beaver Valley Cogeneration*

The RACT approval for the installation of Energy Systems Associates (ESA) designed Low-NOX burners at the AES Beaver Valley Cogeneration facility in Monaca was amended and contains changes in emission limits. The NO<sub>x</sub> emissions from the facility were increased from 0.5 lb/mmmbtu to 0.7 lb/mmmbtu and from 4,238 tons per year (tpy) to 5,933 tpy.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 9 a.m. in the Waterfront Room, DEP Offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) plans for the Texas Eastern Transmission Corp.'s Armagh Station in West Wheatfield Township, Indiana County; Pennsylvania Electric Company's Seward Station in Seward, Indiana County; Consolidated Natural Gas Company's South Bend Compressor Station in South Bend Township, Indiana County; Information Display Technology Inc.'s Greensteel Division in Dixonville, Indiana County and T. W. Phillips Kinter Station in Rayne Township, Indiana County.

#### *Texas Eastern Armagh Station*

The proposed RACT approval for Texas Eastern's Armagh facility would approve the implementation of presumptive RACT on one ancillary source as part of its RACT plan.

#### *Pennsylvania Electric Company's Seward Station*

For Boiler 15, Pennsylvania Electric proposes the installation and operation of Selective Catalytic Reduction (SNCR). This technology should yield Oxides of Nitrogen (NOX) emission rate of 0.45 lb/mmmbtu.

To meet the NO<sub>x</sub> RACT requirements for boiler 14, Penelec proposes the installation and operation of Low NOX burners with an NOX emission rate of 0.5 lb/mmmbtu.

For Boiler 12, Penelex proposes the implementation of bias firing operation procedures with a limited capacity factor of 50%.

The economic evaluation illustrates that the cost of mitigation for installing volatile organic compounds (VOC) reduction systems is several orders of magnitude above what the Department considers reasonable. Proposed VOC RACT is the operation and maintenance in accordance with manufacturer's specifications.

For the remaining sources at the station including emergency diesels, space heaters and portable heaters, Penelec elected to comply with the presumptive RACT provisions of 25 Pa. Code § 129.93.

The Department will establish final RACT limits at a later date based on measured data collected through continuous emission monitoring.

#### *Consolidated Natural Gas Transmission Corp.'s South Bend Station*

CNGT will modify the six existing natural gas fired, Clark HLA-8 stationary reciprocating internal combustion engines at the South Bend Station by retrofitting the engines with lean emission combustion technology. This will include installation of turbochargers in addition to the modifications to the engine heads, cylinders, pistons, fuel systems, intake/exhaust manifolds and cooling systems along with other necessary changes. The high energy ignition source needed to ignite the lean air/fuel

mixture will be provided by the plasma ignition system which was already installed on the engines. NOX emissions will be reduced to a range of 3-6 g/bhp-hr.

*T. W. Phillips Kinter Compression Station*

T. W. Phillips Kinter Compression Station has six engines all under 500 horse-power. Under the Presumptive RACT regulations 129.93(c)(3), these sources are required to permanently retard the ignition four degrees from standard full load. Ignition timing retard delays ignition of combustion to later in the power cycle, which increases the volume of combustion chamber and reduces the residence time of the combustion products. This increased volume and reduced residence time offers the potential to reduce NOX formation.

*Information Display Technology Inc.'s Greensteel Division*

Greensteel has satisfied its RACT requirements by replacing most VOC brand paints and cleaning solvents with water based and reduced VOC products. This change enables Greensteel to reduce potential emissions from 65 to 12 tons per year.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 11:45 a.m. in the Waterfront Room, DEP Offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) for the Torrance State Hospital, Derry Township, Westmoreland County.

The RACT Operating Permit approves Torrance State Hospital's proposal to limit its potential to emit to a level below the major NOX emitting facility threshold.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 10:45 a.m. in the Waterfront Room, DEP offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) for the Freedom Forge Corp.—Standard Steel Division, Latrobe, Westmoreland County and Fansteel Hydro Carbide, Unity Township, Westmoreland County.

*Freedom Forge Corp.—Standard Steel Division*

The RACT Operating Permit approves Standard Steel's proposal to limit its potential to emit to a level below the major NOX emitting facility threshold.

*Fansteel Hydro Carbide*

Fansteel Hydro Carbide has complied with the RACT Regulations by installing a Hobart Mixer which is designed to keep the temperature of the ingredients being mixed below the point of evaporation of heptane, a volatile organic compound (VOC). A chiller unit will also be installed to sufficiently lower the temperature of the noncontact cooling water to prevent the tungsten carbide mixture within the mixers to reach the evaporation point of heptane. The installation of the Hobart Mixer and Chiller enabled Fansteel to reduce its VOC emissions by over 50% and below the major threshold for VOCs.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 10 a.m. in the Waterfront Room, DEP offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) plans for the West Penn Power's Armstrong Station, Washing-

ton Township, Armstrong County; Apollo Gas Company's Shoemaker Station in Bethel Township, Armstrong County and Vista Metals Inc.'s facility in Kittanning, Armstrong County.

*West Penn Power's Armstrong Station*

The RACT Plan for the West Penn Power Armstrong power station was amended and contain changes in emission limits. The volatile organic compound (VOC) emission limit was removed from the permit.

*Apollo Gas Company's Shoemaker Station*

Apollo Natural Gas will modify the two existing natural gas compressor engines at the Shoemaker Station. This modification includes the installation of Original Equipment Manufacture (OEM) retrofit controls on the natural gas compressor engines. Apollo Natural Gas will install a high energy ignition system with upgrades on the turbo-charger and associated cooling system to both engines. This will enable Apollo Natural Gas to restrict the emissions of Oxides of Nitrogen (NOX) and Volatile Organic Compounds (VOCs) to a level below the major threshold.

*Vista Metals Inc.*

The proposed RACT for Vista Metals Inc. Includes the installation of a Ross dryer equipped with a condenser, along with the replacement of six existing Hobart dryers and an after condenser. The approved RACT establishes a potential VOC emission rate of 35 tons per year.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 10:30 a.m. in the Waterfront Room, DEP offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) for the Texas Eastern Gas Transmission Corporation's Holbrook Station in Rich Hill, Greene County; Equitrans Inc.'s Compressor Stations including Harston Station, Finleyville Township, Washington County, Rogersville Station, Center Township, Greene County and Pratt Station, Waynesburg, Greene County; Washington Steel Corporation, Washington, Washington County; Flexsys America, Monongahela, Washington County; Pennsylvania Department of Welfare's Western Center, Canonsburg, Washington County; West Penn Power's Hatfield's Ferry Power Station, Monongahela Township, Greene County and Wheeling-Pittsburgh Steel Corporation, Allenport, Washington County.

*Texas Eastern Gas Transmission Corporation's Holbrook Station*

The plan approval is for the installation and operation of screw-in precombustion chambers on four Ingersoll Rand KVS412 engines, ignition retard on eight Cooper Bessemer GMV10S engines, the operation of Low-NOX burners on one Solar Mars turbine, and the implementation of presumptive RACT on seven ancillary sources at the Holbrook Station.

*Equitrans Inc.'s Hartson Station*

The RACT proposal for the Hartson Compressor Station would approve the implementation of an hours of operation limitation on three Cooper Bessemer GV-10 engines and presumptive RACT on seven ancillary sources.

*Equitrans Inc.'s Rogersville Station*

The RACT proposal would approve the implementation of presumptive RACT on seven ancillary sources as part of the RACT plan for the Rogersville Station.



*Equitrans Inc.'s Pratt Station*

The RACT proposal would approve the implementation of presumptive RACT on five Cooper Bessemer GMV-8 engines and presumptive RACT on 12 ancillary sources as part of the RACT plan for the Pratt Station.

*Washington Steel Corporation*

Washington Corporation's economic analysis illustrates that the cost mitigation for implementing any control option for the pickle lines exceeds the Department's guidelines for reasonableness.

For its combustion sources, Washington Steel intends to comply with the Presumptive provisions described in the Department's regulations.

*Flexsys America*

This RACT permit is for the continued operation of sources at the Flexsys America facility in Monongahela. Flexsys America will continue to operate this facility in a manner consistent with good air pollution control practices.

*Western Center*

Pennsylvania Department of Welfare proposes to limit Western Center's potential to emit to a level below the major NOX emitting facility threshold through a permit condition.

*West Penn Power's Hatfield Ferry Station*

The RACT plan for this facility was amended and contains changes in emission limits. The volatile organic compound (VOC) emission limit was removed from the RACT permit.

*Wheeling-Pittsburgh Steel Corporation*

The Plan Approval is for the construction and operation of two combination natural gas/oil fired tube fired boilers rated at 60.5 mmbtu/hr retrofitted with Low-NOX Burners/Flue Gas Recirculation and the application of presumptive RACT to 104 ancillary sources.

The Department of Environmental Protection (DEP) will hold a public hearing on July 29 at 11 a.m. in the Waterfront Room, DEP offices, 500 Waterfront Drive, Pittsburgh, PA.

The hearing is for DEP to take testimony concerning Reasonably Available Control Technology (RACT) for the BP Oil Company's Greensburg Terminal, Hempfield Township; Allegheny Ludlum, Vandergrift, Westmoreland County; Texas Eastern Gas Transmission Corporation's Delmont Station, Salem Township, Westmoreland County; Consolidated Natural Gas Transmission Corporation's J. B. Tonkin Compressor Stations in Franklin Township, South Oakford in Hempfield Township, and Jeannette in Penn Township, Westmoreland County; General Carbide Corporation, Greensburg, Westmoreland County; and Elliott Company, Jeannette, Westmoreland County.

*BP Oil Company's Greensburg Terminal*

The RACT Permit is for a synthetic minor determination at the BP Oil Company's Greensburg Terminal. BP will continue to operate this facility in a manner consistent with good air pollution control practices.

*Allegheny Ludlum*

This RACT permit is for the continued operation with the manufacturer specifications of the No. 1 and No. 2 boilers at the Allegheny Ludlum Vandergrift plant.

*Texas Eastern Gas Transmission Corporation's Delmont Station*

The proposed RACT approval for the Delmont Compressor Station would approve the operation of the Non-Selective Catalytic Reduction (NSCR) on six Ingersoll Rand KVG 410 engines, screw-in precombustors (SIPC) on four Ingersoll Rand KVS 412, and the implementation of presumptive RACT on eight ancillary sources.

*Consolidated Natural Gas Transmission Corp.'s J. B. Tonkin Station*

The existing natural gas compressor engine at CNGT's J. B. Tonkin Station was equipped with the original equipment manufacturer's (OEM) controls at the time of engine installation. Oxides of Nitrogen (NOX) emissions from the engine are currently at the post RACT level.

*Consolidated Natural Gas Transmission Corp.'s South Oakford Station*

CNGT will modify its two existing natural gas compressor engines at the South Oakford Station by installing a high energy plasma ignition system along with modifications to the turbochargers.

*Consolidated Natural Gas Transmission Corp.'s Jeannette Station*

CNGT will modify the six existing natural gas compressor engines at the Jeannette Station by retarding the ignition timing on the engines in order to comply with RACT regulations. The ignition timing will also be retarded on two other natural gas engines which are used to drive auxiliary electric power generators. The station will be permanently shut down no later than December 31, 1998.

*General Carbide Corporation*

General Carbide Corporation processes metal carbide powders into a variety of parts used in the tooling industry. The mixture of metal carbide powders is produced through batch operations. The powdered materials are mixed with heptane, which is a volatile organic compound (VOC), to create a slurry with the blended powder. The slurry is then filtered in the drying room before the heptane is volatilized by steam heat in the drying units. General Carbide Corporation meets RACT, according to DEP, by utilizing its dryers and condensers to recapture an estimated 93% of the heptane involved with this process. General Carbide will not be required by DEP to add any additional emission controls to this process.

*Elliott Company*

This RACT Operating Permit approves the Elliott Company's proposal to limit its potential to emit to a level below the major NOX emitting facility threshold.

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

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*Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**65-305-002C.** The Department intends to issue an Air Quality control Plan Approval to **Ratay Coal, Inc.** (R. R. 1, Box 198, Penn Run, PA 15765) for a coal preparation plant at its seward tipple facility located in St. Clair Township, **Westmoreland County** with the following conditions.

This Plan Approval is for the reactivation and operation of a coal preparation facility owned and operated by Ratay Coal (Ratay) at the Seward Tipple located in St. Clair Township, Westmoreland County.

A. Plant Equipment:

1. Front-end loader shall be used to transfer and unload coal. Ratay shall maintain minimal amount of drops from the front-end loaders while loading coal on the trucks so as to prevent fugitive emissions.
2. All conveyors and transfer points shall be fully enclosed.
3. The crusher and screen system shall be fully enclosed.
4. Feed bin on the crusher shall have a three sided cover (including top) installed. This cover shall be sized to accommodate the front end loader bucket. The open side will be covered with strip belting.
5. The existing rotary breaker will be removed from the site.

B. Plant Roadways:

1. Plant haul road leaving from Route 711 shall be paved at the entrance and kept free from mud, dirt and other debris.
2. All blacktop roads within the terminal shall be kept clean through the use of a wet/vacuum street cleaner.
3. All roads that are not blacktop shall be surfaced with a crowned layer of slag/stone so that natural precipitation and applied water shall clean the road of fine material.
4. The scale exit road shall be paved 50 feet beyond the western end of the scale, with Reclaimed Asphalt Pavement (RAP). The material will be uniformly placed and compacted.
5. The surface of all plant roadways shall be as smooth and durable as concrete or bituminous asphalt paving at all times.
6. The Stockpile road along easterly perimeter, for a distance of approximately 400 feet from SR711, shall be paved with RAP as described in special condition no. 4.
7. All roads that are not cleaned by the street cleaner shall be treated with water or chemicals to minimize the generation of dust.

8. Travel of trucks shall be limited to paved roadways.

9. That area of the plant at which the front-end loaders operate shall be kept free of dust accumulation and watered periodically to prevent fugitive emissions.

C. Truck Tarping:

1. Ratay shall require and post a notice stating that all loaded coal trucks entering or exiting the facility shall be tarped.

2. Ratay shall take appropriate measures to enforce the requirements of C1 above. Truckers failing to comply with these requirements shall be deemed by the Department as a failure by Ratay.

D. Water Spray System:

1. Ratay shall maintain and operate a Water Spray System capable of adequately watering all areas of the facility in which coal operations occur. This shall be accomplished through the use of the Water Spray Truck equipped with a pressurized spray system utilizing a 500 gallon tank with a 5 hp pump producing 100 psi, a hose

hookup for attachment of a fire hose with a high pressure spray nozzle, and a pressurized spray bar with 1/4 inch nozzles mounted on the rear of the truck for roadway spraying.

2. Under no circumstances shall coal be stockpiled or loaded in an area of the plant which is not adequately watered as to prevent fugitive emissions.

3. If the Water Spray Truck is not fully operational, then Ratay shall discontinue additional coal crushing and/or stockpiling operations. The Ratay shall inform the Department of the breakdown of the Water Spray Truck within 1 hour.

4. A permanent weatherized water spray system shall be installed, maintained and operated at all times that the facility is in operation. The facility shall not receive, process or ship coal at any time that the water spray system is not capable of operation (for example, freezing weather). The water spray system shall be capable of wetting the following:

- A. All crushing and screening equipment.
- B. All conveyor transfer points.
- C. All raw and processed coal stock piles.
- D. Plant entrance and exit roadways for the first 250 feet.

The water spray system shall consist of permanent underground piping, permanent elevated indexing spray heads for roads and storage areas, and permanent spray bars on the process equipment and transfer points. The system shall be weatherized.

E. Wind Barriers:

1. Ratay shall construct and maintain a Dustamer Windscreen System surrounding the entire perimeter of the processing/storage area to control fugitive dust emissions. The only exception will be over the drainage swale on the western side of the site. At this location the windscreen will be placed at the eastern end of the swale. The windscreen toward the Conrail tracks will be placed on the eastern side of the ponds.

2. The height of the raw and processed coal storage piles shall not exceed 16 feet. The height of the Dustamer Windscreen System must equal or exceed 16 feet.

F. Operational Limitations and Reporting:

1. Coal throughput at the Seward Facility shall not exceed 31,250 tons per quarter and 125,000 tons per year as stated in the application.

2. The operating schedule for the facility shall not exceed 8 hours a day, 5 days a week, 50 weeks/year and 2,000 hrs/yr.

3. Ratay shall submit to the Department of Environmental Protection, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222 quarterly reports of coal throughput at the Seward facility, broken down by month, not later than 30 days after the close of each calendar quarter.

4. Raw coal storage piles combined capacity shall not exceed 2,000 tons.

5. Processed coal storage piles combined capacity shall not exceed 1,000 tons.

G. Truck Tire Wash Station:

1. Ratay shall construct and maintain a truck wash station. All trucks leaving the site shall use the wash

station. This wash station shall be designed, constructed and operated to prevent the drag-out of materials onto the public road.

#### H. Dustfall Monitoring:

1. Dustfall monitoring shall be conducted on a monthly basis at a minimum of four sampling locations acceptable to the Department.

2. Dustfall jar analysis shall be conducted in accordance with procedures approved by the Department and data submitted shall include total dustfall (in of ton/sq. mile/month) and percent coal dust.

3. Dustfall jars shall have sufficient distilled water and glycol to prevent dryness or freezing as weather conditions dictate.

4. Ratay shall submit the dustfall results to the Regional Office on a quarterly basis, broken down by sampling site and month, not later than 30 days after the close of each calendar quarter.

#### I. General

1. Nothing contained in this Plan Approval shall be construed as limiting the Department's authority to take enforcement action if the Department finds that the operation of the Ratay Coal, Seward Tipple is causing or contributing to air pollution.

2. If Ratay fails to comply with any of the terms or conditions of this Plan Approval or any subsequent operating permit or any applications, as amended, for these authorizations that shall constitute sufficient grounds for denial or revocation of any authorization in effect.

The application may be reviewed at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day period will exist for the submission of comments from the date of this publication.

### Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

*Northwest Regional Office: Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.*

**10-323-003.** The Department received a plan approval application for construction of two paint burn-off ovens (64,450 paint trays/yr) by **Spang & Company, Magnetics Division** (796 East Butler Road, Box 391, Butler, PA 16003-0391), in East Butler Boro, **Butler County**.

**42-302-028.** The Department received a plan approval application for modification of an existing wood fired boiler to improve combustion efficiency and the addition of a fly ash collector by **Kane Handle Company, Division of Ames** (Box 1774, Parkersburg, WV 26101) in Kane, **McKean County**.

**43-318-031.** The Department received a plan approval application for operation of a spray-up fiberglass operation (2,750 truck front ends/yr) by **Jones Performance Products, Inc.** (1 Jones Way, P. O. Box 563, West Middlesex, PA 16159), in West Middlesex, **Mercer County**.

### MINING ACTIVITY APPLICATIONS

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

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

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

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

agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor, application number, a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

*Coal Applications Received*

**03950112. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine with a coal preparation/processing facility located in Madison Township, **Armstrong County**, proposed to affect 55.0 acres. Receiving streams four unnamed tributaries to Mahoning Creek. Application received June 6, 1996.

**65960108. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine located in Unity and Ligonier Townships, **Westmoreland County**, proposed to affect 105.8 acres. A social and economic justification is included. Receiving streams unnamed tributaries to Indian Camp Run, Indian Camp Run, Ninemile Run; unnamed tributaries to Fourmile Run, Fourmile Run; unnamed tributaries to Sawmill Run, Sawmill Run, Ninemile Run, Loyalhanna Creek. Application received June 7, 1996.

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

*Noncoal Applications Received*

**04960302. Midland Slag Processors** (303 A Smith's Ferry Road, Midland, PA 15059). Application received for commencement, operation and reclamation of a noncoal (slag) surface mine located in Ohiosville Borough, **Beaver County**, proposed to affect 31.9 acres. Receiving streams Upper Dry Run to Ohio River. Application received June 17, 1996.

**65900402R. Davison Sand & Gravel Co.** (400 Industrial Boulevard, New Kensington, PA 15068). NPDES renewal application received for a large noncoal site located in Derry Township, **Westmoreland County**. Receiving streams Tanney Hollow; unnamed tributary to Conemaugh River; Harbridge Run; unnamed tributary to Harbridge Run. Renewal application received June 13, 1996.

**26900306R. Davison Sand & Gravel Co.** (400 Industrial Boulevard, New Kensington, PA 15068). NPDES renewal application received for a large noncoal site located in Connellsville Township, **Fayette County**. Receiving streams unnamed tributary to Connell Run. Renewal application received June 13, 1996.

**3472SM14R. Davison Sand & Gravel Co.** (400 Industrial Boulevard, New Kensington, PA 15068). NPDES

renewal application received for a large noncoal site located in Unity Township, **Westmoreland County**. Receiving streams unnamed tributary to Ninemile Run. Renewal application received June 13, 1996.

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

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

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

*DEP Central Office: Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**D38-101. Dam. LGH Construction**, 530 West Trout Run Road, Ephrata, PA 17522. To construct, operate and maintain a dam across a tributary to Tulpehocken Creek located approximately 1/2 mile north of Route 422 and 2 miles west of Myerstown for the purpose of stormwater detention for the Arbor Gate Development in Jackson Township, **Lebanon County**.

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

**E02-1153. Encroachment. Schmid, Walter**, 5833 Irishtown Rd., Bethel Park, PA 15102. To construct and maintain a 504 foot stream enclosure extension in Lick Run for purpose of developing a parcel located on Baptist Road, approximately 700 feet from Horning Road (Bridgeville, PA Quadrangle N: 17.0 inches; W: 2.5 inches) in Bethel Park Borough, **Allegheny County**.

**E02-1154. Encroachment. Partridge, Don B. and Ellen R.**, 3347 Babcock Blvd., Pittsburgh, PA 15237-2421. To place and maintain approximately 300—400 c.y. of fill around an existing building and to construct and maintain a drain system at same site, within the floodway of Girty's Run, located on the west side of Babcock Boulevard, 0.5 mile north of Siebert Road (Emsworth, PA Quadrangle N: 6.3 inches; W: 2.8 inches) in Ross Township, **Allegheny County**.

**E02-1155. Encroachment. Tonomo Marine Inc.**, 36 Allegheny Sq., Glassport, PA 15045. To operate and maintain a barge cleaning and repairing facility at Mile

Marker 18.8 in the Monongahela River (Glassport, PA Quadrangle N: 12.4 inches; W: 2.7 inches) in Glassport Borough, **Allegheny County**.

**E03-333-A1.** Encroachment. **Freeport Terminals Inc.**, P. O. Box 72, Freeport, PA 16226. To reissue Permit No. E03-333 to construct and maintain approximately 400 l.f. of steel bulkhead with riprap protection to protect two existing barge docks and to operate and maintain the two existing barge docks along the right bank Allegheny River located approximately 6,000 feet upstream from the Route 356 bridge (Freeport, PA Quadrangle N: 9.15 inches; W: 6.95 inches) in Freeport Borough, **Armstrong County**.

**E63-415.** Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain two multispans steel girder bridges, one with a clear span of 207 feet and an underclearance of 104 feet in an unnamed tributary to Taylor's Run and one with a clear span of 180 feet and an underclearance of 102.5 feet over Taylor's Run, for the purpose of constructing section 52D of the Mon/Fayette Expressway (Monongahela, PA Quadrangle N: 8.5 inches; W: 9.0 inches) in Carroll Township, **Washington County**.

**E65-633.** Encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct and maintain a 30-foot span bridge with wood decking supported by gabion baskets over Camp Run for the use of snow mobiles in Forbes State Forest (Seven Springs, PA Quadrangle N: 17.5 inches; W: 9.25 inches) in Donegal Township, **Westmoreland County**.

**Applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA 10-913A.** Subsidiary water allocation. **Connoquenessing Borough Authority (CBA)**, 228 Constitution Avenue, P. O. Box 215, Connoquenessing, PA 16027-0215. This proposal involves the right to continue to obtain water from the Pennsylvania American Water Company, in the projected amount of 143,200 gpd. The CBA is a general purpose authority whose principal function is to operate and maintain a water distribution system that serves Connoquenessing Borough and portions of Connoquenessing Township, **Butler County**.

*Type of Facility:* General purpose Authority

*Consulting Engineer:* Donald H. Warnick, The Warnick Company, Inc., 226 Sunset Drive, Butler, PA 16001-1334.

## ACTIONS

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

These actions of the Department may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing

Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

### Permits Issued

*Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, telephone (717) 327-3664.*

**NPDES Permit No. PA0114324.** Sewerage. **Herbert Morgan**, R. D. 2, Box D-38, Canton, PA 17724. Has been approved for renewal to discharge from facility located in Canton Township, **Bradford County** to tributary to Towanda Creek.

**NPDES Permit No. PAG044878.** Sewerage. **Harold T. and Shirley Mann**, P. O. Box 41, Drifting, PA 16834. Has been approved to discharge from facility located in Cooper Township, **Clearfield County** to Basin Run.

**NPDES Permit No. PAG044875.** Sewerage. **Mark R. Young**, R. R. 2, Box 2569, Nescopeck, PA 18635. Has been approved to discharge from facility located in Mifflin Township, **Columbia County** to unnamed tributary to Tenmile Run.

**NPDES Permit No. PAG044874.** Sewerage. **Daniel J. and Christina M. Ertel**, 534 Northway Road Extension, Williamsport, PA 17701. Has been approved to discharge from facility located in Hepburn Township, **Lycoming County**.

**NPDES Permit No. PA0114936.** Sewerage. **B.C.I. Municipal Authority**, P. O. Box 398, Coalport, PA 16627-0398. Is authorized to discharge from facility located in Irvona Borough, **Clearfield County** to receiving waters named Clearfield Creek.

**NPDES Permit No. PAG044872.** Sewerage. **David A. Trautner**, 4742 Bloomingrove Road, Williamsport, PA 17701. Has been approved to renew permit for single family residence to facility located in Hepburn Township, **Lycoming County**.

**NPDES Permit No. PA0026310.** Sewerage. **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830. Is authorized to discharge from facility located in Lawrence Township, **Clearfield County** to receiving waters named west branch Susquehanna River.

**NPDES Permit No. PA0114570.** Industrial waste. **Science Park Recreation Association**, Box 1221, State College, PA 16804. Is authorized to discharge from a facility located in Ferguson Township, **Centre County** to receiving waters named unnamed tributary of Big Hollow.

**NPDES Permit No. PA0008800.** Industrial waste. **Westfield Tanning Company**, 360 Church Street, Westfield, PA 16950. Has been approved to discharge from facility located in Westfield Borough, **Tioga County**.

**NPDES Permit No. PA0009270.** Industrial waste. Amendment No. 1. **Heinz Pet Products**, 6670 Low Street, Bloomsburg, PA 17815. Has been approved to discharge from facility located in South Centre Township, **Columbia County**.

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

**NPDES Permit No. PA0217310.** Industrial waste, **SPEDD, Inc.**, 12300 Perry Highway, Wexford, PA 15090 is authorized to discharge from a facility located at Cowanshannock Township Industrial Site, Cowanshannock Township, **Armstrong County** to Cowanshannock Creek.

**NPDES Permit No. PA0026981.** Sewerage, **City of Duquesne**, 12 South Second Street, Duquesne, PA 15110 is authorized to discharge from a facility located at City of Duquesne Sewage Treatment Plant, City of Duquesne, **Allegheny County** to Thompson Run.

**NPDES Permit No. PA0027243.** Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642 is authorized to discharge from a facility located in Youghiogheny STP, North Huntingdon Township, **Westmoreland County** to Youghiogheny River.

**NPDES Permit No. PA0027430.** Sewerage, **City of Jeannette Municipal Authority**, P. O. Box 168, Jeannette, PA 15644 is authorized to discharge from a facility located at Jeannette Wastewater Treatment Plant, City of Jeannette, **Westmoreland County** to Brush Creek.

**NPDES Permit No. PA0205281.** Sewerage, **New Sewickley Township Municipal Authority**, P. O. Box 65, Freedom, PA 15042-0065 is authorized to discharge from a facility located at Tri-County Commerce Park Sewage Treatment Plant, New Sewickley Township, **Beaver County** to unnamed tributary of North Fork Big Sewickley Creek.

**Notices of Intent for Coverage Under NPDES General Permit for Construction Activities and Department Final Actions**

*Allegheny County Conservation District: District Manager, 875 Greentree Rd., Rm. 208 Acacia Bldg., Pittsburgh, PA 15220, telephone (412) 921-1999.*

*Blair County Conservation District: District Manager, 1407 Blair Street, Hollidaysburg, PA 16648, telephone (814) 696-0877.*

*Bradford County Conservation District: District Manager, R. R. 5, Box 5030C, Stoll Nat. Res. Ctr., Towanda, PA 18848, telephone (717) 265-5539.*

*Centre County Conservation District: District Manager, 414 Holmes Ave. Ste. 4, Bellefonte, PA 16823, telephone (814) 355-6817.*

*Crawford County Conservation District: District Manager, 154 Park Ave. Plaza, Meadville, PA 16335, telephone (814) 724-1793.*

*Delaware County Conservation District: District Manager, 1521 N. Providence Rd., Media, PA 19063, telephone (610) 892-9484.*

*Indiana County Conservation District: District Manager, 251 Rte. 286, N., Ag. Service Ctr., Indiana, PA 15701, telephone (412) 463-7702.*

*Jefferson County Conservation District: District Manager, R. R. 5 Service Ctr., Brookville, PA 15825, telephone (814) 849-7463.*

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.*

*Luzerne County Conservation District: District Manager, Courthouse Annex, 5 Water Street, Wilkes-Barre, PA 18711, telephone (717) 825-1844.*

*Mercer County Conservation District: District Manager, R. R. 2, Box 2055, Mercer, PA 16137, telephone (412) 662-2242.*

*Montgomery County Conservation District: District Manager, 1015 Bridge Rd., Ste. B, Collegeville, PA 19426, telephone (610) 489-4506.*

*Warren County Conservation District: District Manager, 609 Rouse Home Ave., Suite 203, Youngsville, PA 16317, telephone (814) 563-3117.*

*Washington County Conservation District: District Manager, 602 Courthouse Sq., Washington, PA 15301, telephone (412) 228-6774.*

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

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A178	Eileen Moore 3901 Washington Rd., Ste. 301 McMurray, PA 15317	Allegheny Co. City of Pittsburgh	UNT to Saw Mill
PAR100639	FBG Development Co. 5506 6th Ave. Altoona, PA 16602	Blair Co. Allegheny Twp.	UNT to Beaver Dam and Brush Run
PAR100641	Babcock Lumber Co. 5410 6th Ave. Altoona, PA 16602	Blair Co. Greenfield Twp.	Polecat Run
PAR100642	Allegheny Twp. Sewer and Water Authority 3131 Old 6th Ave. Rd. Duncansville, PA 16635	Blair Co. Allegheny Twp.	Burgoon and UNT to Beaver Dam Br.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100643	Northern Blair Sewer Authority R. D. 4, Box 236A Tyrone, PA	Blair Co. Snyder and Antis Twps.	Ltl. Juniata and Hutchison Run
PAR100807	CBCEDA, Stoll Natural Resources Center R. R. 5, Box 5030G Towanda, PA	Bradford Co. Wysox Twp.	Susquehanna River
PAR10F054	Penn State University Office of Physical Plant University Park, PA 16802	Centre Co. College Twp.	Big Hollow
PAR102309	Scott's Development Co. 4045 W. 12th St. Erie, PA 16505	Crawford Co. Vernon Twp.	UNT to Vanhorne Run
PAR10J082	Best Buy 7075 Flying Cloud Dr. Eden Praire, MN 55344	Delaware Co. Springfield Twp.	Stoney Crk.
PAR10J071	Sisters of St. Francis 606 Convent Rd. Aston, PA 19014	Delaware Co. Aston Twp.	West Br. Chester
PAR10J080	Township of Radnor 301 Iven Ave. Wayne, PA 19087	Delaware Co. Radnor Twp.	Little Darby
PAR10J076	Eastern College 10 Fairview Rd. St. Davids, PA 19087	Delaware Co. Radnor Twp.	Gulph Crk.
PAR103127	Albert Morganti 130 Sandro Dr. Indiana, PA	Indiana Co. White Twp.	Two Lick Crk.
PAR103317	National Fuel Gas P. O. Box 2081 Erie, PA	Jefferson Co. Snyder Twp.	Bashdad Run
PAR10Q076	Washington Township P. O. Box 27 Slatedale, PA 18079	Lehigh Co. Washington Twp.	Trout Crk.
PAR10R085	Dr. Joseph Lombardo 16 Broad St. Pittston, PA 18640	Luzerne Co. Jenkins Twp.	Mun. Storm Sewer
PAR10R090	Greater Pittston Chamber of Commerce Box 704 Pittston, PA	Luzerne Co. Yatesville Boro.	Mun. Storm Sewer
PAR104323	Emmanuel Christian Church P. O. Box 428 Stoneboro, PA 16153	Mercer Co. New Vernon Twp.	UNT to Ltl. Shenango River
PAR10T267	Renovations by Design P. O. Box J Newtown Sq., PA 19703	Montgomery Co. U. Pottsgrove Twp.	Sprogels Run
PAR107202	Lightning Oil Co. LTD 225A Swede Rd. Tidioute, PA 16351	Warren Co. Triumph Twp.	Gordon Run
PAR10W068	Bentworth School Dist. P. O. Box 610 Ellsworth, PA 15331	Washington Co. Bentleyville Boro.	Pigeon Crk.
PAR10Y212	J. William Warehime 251 Frederick St. Hanover, PA 17331	York Co. Heidleburg Twp.	UNT to Codorus Crk.
PAR10Y214	Scott and Jennifer Taylor 9281 Camp Rd. Red Lion, PA 17356	York Co. York Twp. and Dallastown Boro.	UNT to Barshinger Crk.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10Y215	John Toase Inc. Box 37A, R. D. 1 Glen Rock, PA 17327	York Co. N. Freedom Boro.	S. Br. Codorus Crk.
PAR10Y216	Nicholas Spagnola 484 Edgehill Rd. York, PA 17403	York Co. York Twp.	UNT to Mill Crk.

*Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701-0000, telephone (717) 327-3664.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR144801	NGC Industries Inc. P. O. Box 338 Milton, PA 17847	Union White Deer Twp.	Unnamed tributary to West Branch of Susquehanna	2631
PAR214820	North American Refractories Co. P. O. Box 56 Curwensville, PA 16833	Clearfield Pike Twp.	Roaring Run to Anderson Creek CWF	3255
PAR134805	Howes Leather Corporation P. O. Box 57 Cooper Road Curwensville, PA 16833	Clearfield Curwensville Boro.	West Branch of Susquehanna	3111

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#### **NOI Received and Final Actions Under NPDES General Permits**

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Coverage under the General Permits issued under the for National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to waters of the Commonwealth.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>
PAG043549	4	Brian L. Kanock Box 775 Grist Mill Rd. R. D. 2 Boyertown, PA 19512	Berks Douglass Twp.	Ironstone Creek
PAG043550	4	Norman Sigel R. D. 6, Box 187A Bedford, PA 15522-9806	Bedford Cumberland Valley	Sand Spring Run
PAG043551	4	Jerry Bolyard Route 3, Box 35A Clearville, PA 15535	Bedford Southampton	Lost Run

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10R020	Anthony Biago 456 South Main Road Mountaintop, PA 18707	Luzerne County Wright Township	Big Wapwallopen Creek
PAS10S041	Monroe County Fireman's Association 668 Hanover Avenue Allentown, PA 18103	Monroe County Hamilton Township	McMichaels Creek
PAS10U045	New Orchard Estates, Inc. 8 Center Square Easton, PA 18042	Northampton County Palmer and Bethlehem Twps.	Lehigh River
PAS10V014	Chris Hansen 1 Scenic Drive Highlands, NJ 07732	Pike County Lehman Township	Little Bushkill Creek

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



<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G117	Joseph Neilson, Owner 526 Dennis Lane Hockessin, DE 19707	East Nottingham Twp. Chester County	Little Elk Creek

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

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**WQM Permit No. 16413-T1.** Industrial waste. **United Water Pennsylvania, Inc.**, 4211 East Park Circle, P. O. Box 4151, Harrisburg, PA 17111-0151. Has been approved to transfer from Bloomsburg Water Company to United Water Pennsylvania Inc., there located in Hemlock Township, **Columbia County**.

**WQM Permit No. 1496401.** Amendment No. 1, Sewerage. **Spring Benner Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823. Has had an amendment approved to permit. The location is Spring Township, **Centre County**.

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

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

*Location:* Pine Township, **Allegheny County**, McCandless Township, 9955 Grubbs Road, Wexford, PA 15090.

Approval of an Act 537 Plan Update for the Township of Pine. Project involves the construction of a conveyance and collection system for the entire township. Treatment will occur at the existing Pike Creek Sewage Treatment Plant which is owned and operated by the McCandless Township Sanitary Authority and discharges to Pine Creek. The Department's review of the sewage facilities update has not identified any significant environmental impacts resulting from this proposal.

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**Notice of Emergency Response**

Darnley Site  
Greene Township, Beaver County

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), initiated an emergency response at the Darnley Site. The response was undertaken under section 501(a) and (g) of HSCA (35 P. S. § 6020.501(a) and (g)).

The Darnley Site is located off of Francis Drive in Greene Township, Beaver County. The site is the former location of a Petroleum Recovery Service. Approximately 39 tanks and 12,000 fifty-five gallon drums of waste materials accumulated at the site by the operator. The Department issued an Order to the owner requiring him to cease operations and remove all wastes from the site; however the owner has not complied with the Order. In March, waste materials from the site leaked into a nearby stream, prompting local and county emergency crews to respond to the site and take corrective actions to contain the spill.

The Department determined that the site posed a threat to human health, safety and the environment. The majority of the containers onsite are leaking and there is

no containment around the containers. Waste materials are migrating offsite to the nearby stream and into the site soils. The stream is a tributary to Mill Creek, which is a Pennsylvania Fish Commission stocked trout stream. All of the homes in the area of the site obtain their drinking water from individual home wells; several homes are within 500 feet of the site property boundary. Potential exists for contamination of drinking water wells from waste migrating to the groundwater. A direct contact threat exists to individuals coming into contact with the on-site wastes, contaminated soils and contaminated sediments. There is also a threat to farm animals downstream of the site that use the tributary as a drinking source.

To eliminate these threats, the Department hired a contractor to: secure all leaking containers onsite; contain all waste materials from migrating offsite; sample all waste materials; remove all waste materials to a treatment, recycling or disposal facility; excavate visibly contaminated soils; and remove all contaminated soils to a treatment or disposal facility. After the visibly contaminated soils are contaminated excavated, the contractor will sample site soils to assure that all contaminated soils are removed.

The Department considered the following for the remediation of this site:

1. Alternative 1: No action. The Department will not initiate any action to eliminate the threats posed by the leaking containers at the site and the associated offsite migration of waste materials. The wastes remain a source of direct contact and offsite migration.

2. Alternative 2: Sampling of site wastes, excavation of contaminated soils, off-removal of all wastes and contaminated soils to a TSD facility. This action involves excavation of the stained soils area and removal of the excavated soils and waste materials to an offsite facility for disposal and/or recycling. All leaking containers will be stabilized and spills will be cleaned up.

3. Alternative 3: Address only the leaking drums and tanks, clean up spilled waste materials, place a fence around the site. This action involves overpacking and/or draining only the containers that are currently leaking. A fence is placed around the site to eliminate the threat of direct contact. Waste materials from the leaking containers are shipped offsite for disposal or recycling. Wastes that have accumulated in pools on site are cleaned up and disposed of offsite. This alternative eliminates the threat of direct contact and on-going release of contaminants. The remaining drums continue to pose a threat of release and a threat of fire/explosion. The contaminated soils remain as a source of offsite migration of contaminants to surface and groundwater. The potential for migration of contaminants to drinking water supplies in the area increases overtime.

This notice is provided under section 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)). The administrative record containing the information that forms the basis and documents the selection of the response is available for public review and comment. The administrative record is located at the Department's

Southwest Regional Office at 400 Waterfront Drive, Pittsburgh, PA 15222-4745 and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment until October 15, 1996. Persons may submit written comments to the record during this time only, by sending them to Terry E. Goodwald, at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or by delivering them to this office in person.

In addition, persons may present oral comments for inclusion in the record, at a public hearing on Wednesday, August 28, 1996, at 7 p.m. at the Hookstown Grange. Persons wishing to present comments must register with Betsy Mallison before Monday, August 26 by telephone at (412) 442-4182 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so should contact Betsy Mallison or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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#### Notice of Prompt Interim Response

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Reiter Mine Shaft Site  
Penn Hills Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), initiated an interim response at the Reiter Mine Shaft Site. This response was undertaken under section 505(b) of HSCA (35 P. S. § 6020.505(b)).

The Reiter Mine Shaft is located off of Reiter Road in Penn Hills Township, Allegheny County. The site was the former location of an air shaft and power substation to the inactive Newfield Deep Mine. Leaking electrical transformers, circuit breakers and other electrical equipment containing PCBs (polychlorinated biphenols), were left onsite and abandoned after the mine shaft was closed and sealed. The Department was informed by the local Police Department that vandals shot holes in one of the transformers and knocked oil pans off of the circuit breakers causing several hundreds of gallons of PCB oils to spill onto the ground.

The Department determined that the site posed a threat to human health, safety and the environment. The site is located in a densely populated area near schools, parks and playgrounds. Vandalism is a reoccurring problem at the site and is expected to continue in the future. A direct contact threat exists to individuals coming into contact with the PCBs in the oil and soils. The potential existed for offsite migration of the PCBs to Thompson Run which is considered a warm waters fishery and a potable water source.

To eliminate the threats posed by the site, the Department hired its Interim Response contractor to excavate the contaminated soils, sample and secure the leaking electrical equipment and ship the materials offsite to a disposal facility. Upon completion of this response action, all threats associated with the site will be eliminated.

The Department considered the following alternatives for the remediation of this site:

1. Alternative 1: No Action. The Department would not initiate any action to eliminate the threats posed by the

PCBs at the site. The PCBs would remain as a source of direct contact and offsite migration.

2. Alternative 2: Excavation and offsite disposal of contaminated soils, offsite removal of electrical equipment. This action would involve taking action to stabilize the materials and containers followed by removal for offsite disposal or recycling. Contaminated soils will be excavated and removed offsite for disposal.

This notice is being provided under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of the response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office at 400 Waterfront Drive, Pittsburgh, PA 15222-4745 and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment until October 14. Persons may submit written comments into the record during this time only, by sending them to Terry E. Goodwald at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this office in person.

In addition, persons may present oral comments for inclusion in the administrative record, at a public hearing on August 27 at 7 p.m. in the Penn Hills Municipal Building, 12245 Frankstown Road, Pittsburgh, PA. Persons wishing to present comments must register with Betsy Mallison before August 26 by telephone at (412) 442-4182 or in writing at the above address.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Betsy Mallison or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

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

**Stat, Inc.**, P. O. Box 1443, Lenoir, NC 28645; License No. **PA-AH 0532**; license issued June 27, 1996.

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

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

**GemChem, Inc.**, P. O. Box 384, Lititz, PA 17543; License No. **PA-AH 0259**; license issued June 6, 1996.

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

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

**GemChem, Inc.**, P. O. Box 384, Lititz, PA 17543; License No. **PA-AH 0259**; amended license issued June 20, 1996.

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

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

**Permit No. 601913.** (Modification). **John C. Krone Sr. Farm**, Glen Rock Sewer Authority (P. O. Box 116, Glen Rock, PA 17327). Application for modification of an agricultural utilization site for adding 21.9 acres to a site in Springfield and Shrewsbury Townships, **York County**. Permit issued in the Regional Office June 25, 1996.

**Permit No. 101642. Berky's Dumpster Service**, (Dennis P. Berky), 26 Sycamore Road, Douglassville, PA 19518. Application for construction of a transfer station in Ruscombmanor Township, **Berks County**. Permit issued in the Regional Office June 24, 1996.

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

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

**Permit No. 101125 (Permit Reissuance). Lycoming County Transfer Station**, Lycoming County Commissioners (Courthouse, 48 W. Third St., Williamsport, PA 17701). Operation of a transfer station, formerly Bower County Transfer, located in the City of Williamsport, **Lycoming County**. Permit reissued, to new operator, in the regional office June 20, 1996.

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

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

**A. 101397. Homestand Land Corporation**, Greentree Landfill, 635 Toby Road, Kersey, PA 15846, located in Fox Township, **Elk County**.

An Equivalency Review determination to allow the use of de-inking sludge as a daily cover material in place of daily cover soil, based on the successful completion of a demonstration project approved in a January 29, 1996. A major permit modification was approved in the Regional Office on June 19, 1996.

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

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

**Permit Modification No. 100281, Waste Management Disposal Services of Pennsylvania, Inc.**, 3 Greenwood Square, 3329 Street Road, Bensalem, PA 19020. Permit Modification to approve clay loam for daily and intermediate cover, specific foam materials under certain conditions as daily cover, foundry/refractory materials for daily cover meeting specific criteria, and construction/demolition material as daily cover meeting specific criteria. The following are conditionally approved pending demonstrations: sludge derived synthetic soils for daily cover and as the lower 6 inch layer of intermediate cover meeting Class 1 sludge requirements, conditioned coal flyash for daily cover and as the lower 6 inch layer of intermediate cover, foundry/refractory material meeting specific criteria as the lower 6 inch layer of intermediate cover, recycled paper de-inking sludge as daily cover, and specific spray on materials as daily cover. This modification is for the Greenridge Reclamation Landfill located in East Huntingdon Township, **Westmoreland County**. Permit modification issued in the Regional Office on June 25, 1996.

**Permit No. 101421. Shade Township Waste Management Facility**, Resource Conservation Corp., R. D. 1, Box 305, Cairnbrook, PA 15924. Modification to gas management system at municipal waste landfill in Shade Township, **Somerset County**. Modification issued in the Regional Office on June 25, 1996.

**Permit I. D. No. 300615. Fern Valley Disposal Site**, Duquesne Light Company, One Oxford Centre, Pittsburgh, PA 15297. Major modification to satisfy the repermitting requirements of 25 Pa. Code § 287.115 for the operation of a residual waste disposal facility in Jefferson Borough, **Allegheny County**. Permit issued in the Regional Office on June 11, 1996.

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

*Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516.*

**I. D. No. 101505. Pine Grove Hauling Company (Coldren Sanitation, Inc.)**, Rockwood Center, R. R. 3, Box 3734, Pottsville, PA 17901. A Major Permit Modification, authorizing the following operational changes, the approval to process Form S-Type Municipal-Like Residual Waste; the installation of an overhead enclosure to provide protection from the elements in accommodating the loading of municipal waste transfer trailers; the approval of an increase in truck traffic into and out of the transfer facility permit area; the installation of an additional drive-through gate to access a new employe parking area; and the approval to increase the operating hours of the facility from 5 a.m. to 4:30 p.m., for this municipal waste transfer facility, located in Port Clinton Borough, **Schuylkill County**. The permit modification was issued in the Regional Office on April 16, 1996.

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

*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**01-303-007.** On June 12, 1996, the Department issued a Plan Approval to **Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) for the construction of a portable asphalt plant controlled by a fabric collector at their Gettysburg Quarry in Cumberland Township, **Adams County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**06-303-025.** On June 11, 1996, the Department issued a Plan Approval to **Cyclean—PA** (P. O. Box 8, Concordville, PA 19331) for the construction of a bituminous asphalt plant with a fabric collector and thermal oxidizer in Bethel Township, **Berks County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**22-312-024A.** On June 12, 1996, the Department issued a Plan Approval to **Eldorado Properties Corp.** (P. O. Box 2621, Harrisburg, PA 17105) for the installation of two bottom loading fuel racks controlled by vapor recovery units at their Lucknow Terminal in the City of Harrisburg, **Dauphin County**. The sources are subject to 40 CFR 60, Subpart XX, Standards of Performance for New Stationary Sources.

**28-323-010.** On June 11, 1996, the Department issued a Plan Approval to **Grove North America** (P. O. Box 21, Shady Grove, PA 17256) for the installation of two hard chromium electroplating tanks controlled by two mist eliminator and composite mesh-pad systems at their Quincy Plant in Quincy Township, **Franklin County**. The sources are subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

**36-318-158.** On June 11, 1996, the Department issued a Plan Approval to **Conestoga Wood Specialties, Inc.** (P. O. Box 158, East Earl, PA 17519-0158) for the construction of a surface coating operation in East Earl Township, **Lancaster County**.

**38-307-031G.** On June 11, 1996, the Department issued a Plan Approval to **CMI-Tech Cast, Inc.** (640 South Cherry Street, Myerstown, PA 17067) for the construction of two wax burn-out furnaces controlled by afterburners at their Investment Casting Building in Myerstown Borough, **Lebanon County**.

**67-318-117.** On June 12, 1996, the Department issued a Plan Approval to **Mastercraft Specialties, Inc.** (800 Maple Street, Red Lion, PA 17356) for the installation of a toner spray booth in Red Lion Borough, **York County**.

**06-319-099D.** On June 20, 1996, the Department issued a Plan Approval to **General Battery Corporation** (P. O. Box 13995, Reading, PA 19612-3995) for the construction of a lead/acid battery manufacturing facility with a wet scrubber and fabric collector at their SLI plant in Laureldale/Muhlenberg Township, **Berks County**. The source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

*Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**11-305-032.** On June 10, 1996, a plan approval expiration date was extended to January 1, 1997, for **Senate Coal Mines, Inc.** (P. O. Box 972, Latrobe, PA 15650) for a coal refuse processing system at its facility located in Adams Township, **Cambria County**.

**03-000-027.** On June 10, 1996, a plan approval expiration date was extended to October 1, 1996, for **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for a steam electric generator at its facility located in Plumcreek Township, **Armstrong County**.

**32-000-055.** On June 10, 1996, a plan approval expiration date was extended to October 1, 1996, for **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for Low NOx burners on boilers at its facility located in Center Township, **Indiana County**.

**63-313-017A.** On June 10, 1996, a plan approval expiration date was extended to October 1, 1996, for **Flexsys America L. P.** (829 Route 481, Monongahela, PA 15063) for a biofilter at its facility located in Carroll Township, **Washington County**.

**32-000-059.** On June 10, 1996, a plan approval expiration date was extended to October 1, 1996, for **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for Conemaugh Station NOx Sources at its facility located in West Wheatfield Township, **Indiana County**.

**63-302-043.** On May 30, 1996, a plan approval was issued to **Wheeling-Pittsburgh Steel Corporation** (1 Wheeling Pittsburgh Steel Drive, Allenport, PA 15412) for boiler no. 2 at its Allenport Plant located in Allenport Borough, **Washington County**.

**63-305-020A.** On June 10, 1996, a plan approval was issued to **Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012) for a pebble lime loading/unloading system at their plant located in Donora Borough, **Washington County**.

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

**25-307-034.** On June 6, 1996, a plan approval was issued to **EMI Company** (603 W. 12th St., Erie, PA 16501) for a dust collector on the In-liner molding line in Erie, **Erie County**.

**25-313-056.** On June 10, 1996, a plan approval was issued to **Mallinckrodt Chemical, Calcicat Division** (1707 Gaskell Rd., Erie, PA 16503) for a new blender at the maleic plant in Erie, **Erie County**.

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

*Coal Permits Issued*

**65920104T. Mehalic Brothers** (R. D. 3, Box 296, Latrobe, PA 15650). Transfer issued from Amerikohl Mining, Inc. to Mehalic Brothers of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 100.0 acres. Receiving streams unnamed tributaries to Welty Run to Welty Run to Sewickley Creek to the Youghiogheny River. Transfer application received December 13, 1995. Transfer issued June 20, 1996.

**65950111. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Permit issued for commencement, operation, and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 73.8 acres. Receiving streams unnamed tributary to Miller Run to Loyalhanna Creek, and unnamed tributary to Saxman Run to Loyalhanna Creek. Application received December 15, 1995. Permit issued June 24, 1996.

**63850111T. Twilight Industries, Division of U. S. Natural Resources, Inc.** (212 State Street, Belle Vernon, PA 15012). Transfer issued from Joseph Rostovsky Coal Co. of a bituminous surface mine located in Somerset Township, **Washington County**, affecting 29.5 acres. Receiving streams unnamed tributary to the north branch of Pigeon Creek to the Monongahela River. Application received December 15, 1995. Transfer issued June 26, 1996.

**03950105. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine with a portable crusher and sandstone and shale removal located in West Franklin Township, **Armstrong County**, affecting 439.0 acres. Receiving streams unnamed tributaries to Buffalo Creek, Patterson Creek to Buffalo Creek, Buffalo Creek to Allegheny River. Application received October 31, 1995. Permit issued June 27, 1996.

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

*Noncoal Permits Issued*

**26950302. Carbon Fuel Resources, Inc.** (Penn Center West, Building Three, Suite 401, Pittsburgh, PA 15276). Permit issued for commencement, operation and reclamation of a large noncoal (coke ash) surface mining operation located in Jefferson Township, **Fayette County**, affecting 48 acres. Receiving streams Redstone Creek to the Monongahela River. Application received July 6, 1995. Permit issued June 18, 1996.

*District Mining Operations, 437 South Center Street, Ebensburg, PA 15931-0625.*

*Noncoal NPDES Permit Renewals*

**07910301. Sproul Lime & Stone Company** (R. D. 1, Box 588, Claysburg, PA 16625), renewal of NPDES permit #PA0599221, Frankstown Township, **Blair County**, receiving streams unnamed tributary to the Frankstown Branch of the Juniata River, NPDES Renewal Application received April 26, 1996, permit renewal issued June 25, 1996.

**4273SM4. Sproul Lime & Stone Company** (R. D. 1, Box 588, Claysburg, PA 16625), renewal of NPDES Permit #PA0599239, Greenfield Township, **Blair County**, receiving streams Beaverdam Creek to Frankstown Branch of the Juniata River, NPDES Renewal Application received April 26, 1996, permit renewal issued June 25, 1996.

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**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302), sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)),** (*Note:* Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

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*Permits Issued and Actions on 401 Certification*

*DEP Central Office: Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-138.*

*Environmental Assessment Approvals and Actions on 401 Certification*

**D13-085A.** Environmental Assessment. **Bethlehem Authority**, Department of Public Works, City Center Administration Building, Room 502, 10 East Church Street, Bethlehem, PA 18018. To construct and maintain a roller-compacted concrete (RCC) gravity dam, temporary cofferdam across Wild Creek (EV) and temporary construction facilities approximately 460 feet upstream of the existing Penn Forest Reservoir Dam permanently impacting 3.6 acres of open water habitat and temporarily impacting 32.9 acres within the former reservoir located approximately 8,000 feet southeast of the intersection of S. R. 1001 and T483 (Pohopoco Mountain, PA Quadrangle N: 9.9 inches; W: 8.7 inches) in Penn Forest Township, **Carbon County**.

[Pa.B. Doc. No. 96-1138. Filed for public inspection July 12, 1996, 9:00 a.m.]

**Availability of the Inventory of Technical Guidance Documents**

DEP publishes a list of its technical guidance documents in an Inventory twice a year. The most recent Inventory, published June, 1996, is now available. The June Inventory is a snapshot of the guidance documents in effect on or before May 31, 1996.

DEP has improved this edition in several ways. This edition of the Inventory is organized in four different ways: 1) by DEP deputation, bureau and by type of document (comprehensive, permits/plan approvals, monitoring and compliance, grants/financial assistance/contracts), 2) by ID number giving the title and description, 3) by volume location and 4) by ID number giving the location, page length, cross reference (if any) and contact name and phone number. In addition, this edition includes an explanation of the DEP's ID codes used with these guidance documents.

The distribution has also been improved. DEP is using its mailing list of companies and organizations that have received the Inventory in the past to send a bound copy of the June Inventory to 800 addresses. These bound copies will be ready the end of July. Persons who would like to add their company or organization to the mailing list should contact Nina Huizinga at (717) 783-8727.

A copy of the June Inventory (listing 1) is available on DEP's World Wide Web site.

Persons who want to order a copy of the June 1996 Inventory and any of the documents listed on the Inven-

tory can do so by calling Elwyn, Inc. (the printer). Bound copies of the Inventory will be available end July; unbound copies are available now. Call 1 (800) 804-4020 to place an order if you are located in Pennsylvania. Call (610) 891-2183 if you are located outside Pennsylvania.

Persons who have any questions should contact Elwyn at the above numbers or ask Nina Huizinga of DEP at (717) 873-8727 (e-mail at huizinga.nina@a1.dep.state.pa.us).

The next edition of the Inventory will be published in December 1996.

#### **Changes to DEP's Technical Guidance Documents Since April 20**

In between the publication of the Inventory, DEP announces changes to its technical guidance documents in the *UPDATE* (DEP's weekly newsletter available on DEP's World Wide Web site) and in the *Pennsylvania Bulletin*.

The last announcement of changes in the *Bulletin* was published April 20, 1996.

The following changes in technical guidance documents appeared in the May 3, 1996 issue of *UPDATE*.

##### *Draft Revisions to Technical Guidance*

DEP ID: 012-0820-001 Title: Policy for Development, Approval and Distribution of Regulations. Description: This guidance document establishes the standards for the content of regulations and creates a uniform process for developing, approving and distributing these documents. This is a revision to an existing document. Revision: Governor's Executive Order 1996-1 established principles that agencies must adhere to when developing and revising regulations. This document is being revised to incorporate these principles into DEP's regulatory process. Anticipated Effective Date: June 10, 1996. Contact: Sharon Freeman at (717) 783-8727.

DEP ID: 012-0900-001 Title: Policy for Development, Approval and Distribution of Technical Guidance. Description: This guidance document establishes standards for the content of technical guidance documents and creates a uniform process for developing, approving and distributing these documents. This is a revision to an existing document. Revision: Guidance is revised to comply with Governor's Executive Order 1996-1, to reflect policy to publish notice of changes in *UPDATE* and *Pennsylvania Bulletin* to increase electronic accessibility of documents, to list public manuals and fact sheets on DEP's Publication Guide, to add flexibility in page numbering and to update names of responsible staff. Anticipated Effective Date: July 1, 1996. Contact: Nina Huizinga at (717) 783-8727.

The following changes in technical guidance documents appeared in the June 14, 1996 issue of *UPDATE*.

##### *Final Technical Guidance Documents*

DEP ID: 362-2000-007 Title: Policy for Conducting Technical Reviews of Water Quality Management (Part II) Permit Applications to Construct and Operate Sewerage Works, and Industrial Wastewater Treatment Facilities. Description: DEP will conduct adequate, but limited technical reviews and will rely heavily on the professional competency of design engineers. Location: Vol 32, Tab 9A.

DEP ID: 253-4500-606 Title: Applicable or Relevant and Appropriate Requirements (ARARs) for Cleanup Response and Remedial Actions in Pennsylvania. Description: The remedial actions conducted at various waste sites and facilities in Pennsylvania require the implementation of

regulatory standards from several Bureaus within DEP and other agencies. This document provides an index of these standards. Location: Vol 5, Tab 46.

DEP ID: 382-2130-012 Title: Policy for Recognizing Succession to Water Rights as a Result of Transfers of Ownership. Description: This guidance establishes a uniform procedure for recognizing a succession to rights when a new owner, by whatever means and for whatever reason, takes over or acquires an existing public water supply system which holds legal surface water rights. Location: Vol 15, Tab 11.

##### *Revisions to Existing Technical Guidance and Rescinding of Existing Technical Guidance*

DEP ID: 562-4100-301 Title: Compliance/Enforcement Procedures. Description: This guidance describes the various enforcement tools available to District staff and the appropriate use of each tool. Related Guidance Documents: This document combines and replaces existing guidance documents: 562-4100-301, 562-4000-302, 562-4100-303, 562-4000-305. Location: Vol 12, Tab 13.

DEP ID: 562-4180-306 Title: Civil Penalty Assessments. Description: This document describes the criteria for determining the amount of civil penalty to be assessed for a violation. Related Guidance Documents: This document revises and combines two existing documents of the coal and noncoal (Industrial minerals) programs: 562-4180-306 and 563-4180-306. Location: Vol 12, Tab 18.

DEP ID: 562-3000-102 Title: Inspection. Description: This guidance establishes procedures for conducting various types of inspections of mine sites, including the frequency and level of detail. Related Guidance Documents: This document constitutes a major revision of an existing guidance with this title and elimination of 562-3000-104 dealing with inspections of bond forfeiture sites. Location: Vol 12, Tab 1.

##### *Notice of Intent to Rescind Technical Guidance*

DEP ID: 392-4000-018 Title: Enforcement Policy for Conservation Districts. Explanation for Recision: A new manual (DEP ID: 320-4000-001 Title: Compliance Assistance and Enforcement Manual) now provides policy and procedures used by Department staff and by County Conservation Districts with delegated program responsibilities.

##### *Notice of Intent to Develop Technical Guidance*

Draft Title: Listing of Plan Approval Exemptions and Exemption Criteria for Operating Permits. Background: During development of the air quality plan approval and operating permit regulatory amendments, DEP agreed to revise and expand the listing of sources eligible for exemption from air quality permitting requirements. In addition, we will also describe the relationship between air quality plan approval exemption and the state-only operating permit program. Proposed Development and Review Process: Comments from industry were made during the regulatory review process. Draft will be reviewed by staff and AWQTAC air subcommittee. Notice will be published in *Pennsylvania Bulletin* and public comment solicited. Anticipated Effective Date: July 31, 1996. Contact: John F. Slade at (717) 787-4325.

##### *Draft Technical Guidance*

DEP ID: 012-0830-002 Title: Data Standard for Pennsylvania Municipality Codes. Background: Pennsylvania incorporated Municipality Codes data will originate and be incorporated into all DEP electronic database systems based upon Management Directive 315.1. Municipal Tax

Rate Schedules, published and updated by the Office of the Budget. Deadline for Submission of Comments: June 15, 1996. Contact: Darwin Aurand at (717) 772-4008.

DEP ID: 563-2000-223 Title: Review Process for the Approval of a Bituminous Coal Blast Plan. Background: This document revises existing program guidance. The revisions require public notification of preblast surveys to be sent certified, return-receipt and incorporate changes needed resulting from recent regulation changes. Deadline for Submission of Comments: June 10, 1996. Contact: Mike Getto at (717) 787-7846.

DEP ID: 563-2000-204 Title: Homeowner Notification of Rights Pre-Blast Survey (Industrial materials. Background: This new program guidance requires that notices to homeowners and owners of other structures of the availability of a Pre-Blast Survey, be sent certified-return receipt. This method of notification verifies that the notices were sent by the operator, and received by the homeowner. Deadline for Submission of Comments: June 10, 1996. Contact: Mike Getto at (717) 787-7846.

The following changes in technical guidance appeared in the June 28, 1996 copy of the *UPDATE*.

#### *Final Technical Guidance Documents*

DEP ID: 363-0900-015 Title: Implementation of Act 16. Description: This guidance identifies the changes to the Storage Tank and Spill Prevention Act of 1989, as amended by Act 16 of 1995. Location: Volume 33, Tab 14A.

DEP ID: 258-2181-771 Title: Interim Operating Requirements for Permitted and Unpermitted Facilities. Description: This policy provides guidance on the interpretation of sections of the residual waste regulations, specifically for the following: 1) permitted processing and disposal facilities, 2) unpermitted processing and disposal facilities, and 3) permitted and unpermitted storage impoundments. Location: Volume 6, Tab 40A.

#### *Final Document—Clarification of Location*

DEP ID: 258-2182-773 Title: Policy and Procedure Establishing Criteria for Use of Uncontaminated Soils, Rock, Stone, Unused Brick and Block, Concrete, and Used Asphalt as Clean Fill. Location: Volume 6, Tab 40B.

As this announcement goes to print, the following changes in technical guidance documents are scheduled to appear in the July 12, 1996 issue of *UPDATE*.

#### *Draft Technical Guidance*

DEP ID: 362-2000-008 Title: Policy for Conducting Technical Reviews of Minor NPDES Renewal Applications. Background: Detailed reviews of minor NPDES permit renewal applications are now being conducted regardless of their legal status or environmental significance. Permittees who are in compliance with their existing permit, have made no major changes over the life of the permit, and are causing no known water quality impairment should receive an expedited application review. Deadline for Submittal of Comments: July 31, 1996. Contact: Stuart I. Gansell at (717) 787-8184.

#### *Final Technical Guidance*

DEP ID: 012-0700-001 Title: Implementation of the History Code: Policy and Procedures for Applicants for DEP Permits and Plan Approvals. Description: This document establishes procedures for DEP plan approvals and permit reviews so that PHMC has the opportunity to review activities undertaken with DEP's approval for

their possible impact on significant historical and archaeological resources. Location: Volume 1, Tab 6.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1139. Filed for public inspection July 12, 1996, 9:00 a.m.]

## **Retention of a Geotechnical Engineering Consultant Firm**

### **Project Reference No. DEP-FPP-96:1**

The Department of Environmental Protection hereby issues this Request for Proposals to retain a Geotechnical Engineering Consultant to assist and advise the Department on proposed water related projects. The Consultant's area of responsibility shall include projects throughout the entire Commonwealth. The Bureau of Flood Protection Projects' personnel will identify and assign projects to be reviewed.

The services will include, but are not limited to, a preliminary meeting for each project in the Bureau of Flood Protection Projects' office in Harrisburg, PA, a site visit and review of soil or rock samples and any reports for each project. Subsequently, the consultant will submit a report with recommendations for each project. It is important that upon assignment of a specific project, the selected firm must be capable of completing the necessary work and submitting a report in a timely manner. The selected firm may be required to perform work on multiple sites concurrently. The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. The reports will be reviewed and, when acceptable, will be approved by personnel of the Bureau of Flood Protection Projects.

Some professionals and personnel of interested firms must be registered as professional engineers and have experience in geotechnical engineering.

### **General Requirements and Information**

Firms interested in performing the required services for this project are invited to submit proposals to Larry E. Oliver, P.E., Acting Director, Bureau of Flood Protection Projects, P. O. Box 8460, Harrisburg, PA 17105-8460. The Bureau of Flood Protection Projects is located in Room 116 Executive House, Second and Chestnut Streets, Harrisburg.

A complete proposal shall consist of the following:

#### 1. *Letter of Interest.*

Each letter of interest must include the firm's Federal Identification Number and the Project Reference Number. The letter of interest shall also include three examples and brief descriptions of the most recently completed projects similar to this work being sought. Descriptions shall include the client with contact person and phone number, the cost of the work performed by the firm, the project manager, and names and positions of all personnel who made major contributions to the project.

#### 2. *Standard DGS Forms 150 and 150-S.*

The standard DGS Forms must accompany the letter of interest and shall indicate the individual in charge.

#### 3. *SERB Information.*

Commitment to Enhance Socially/Economically Restricted Businesses (SERB).

The Commonwealth of Pennsylvania strongly encourages the submission of proposals by SERBs.

To achieve the objective of enhancing SERB participation, the Commonwealth has established SERB utilization as a selection criteria in the evaluation process.

The Bureau of Contract Administration and Business Development (BCABD) will evaluate the aforementioned criteria and will assign a point value to be considered within the overall RFP total point tabulation.

Proposals submitted by individuals claiming SERB status or proposals submitted by individuals reflecting joint venture and subcontracting opportunities with SERBs must submit documentation verifying their claim.

SERBs are businesses whose economic growth and development has been restricted based on social and economic bias. Such businesses are BCABD certified minority and women owned businesses and certain restricted businesses whose development has been impeded because their primary or headquarter facility is physically located in an area designated by the Commonwealth as being in an enterprise zone. Businesses will not be considered socially/economically restricted if one of the conditions listed below exists:

1. The business has gross revenues exceeding \$4,000,000 annually.

2. The concentration of an industry is such that more than 50% of the market is controlled by the same type of SERB (Minority Business Enterprise (MBE)/Women Business Enterprise (WBE)) or businesses within designated enterprise zones.

Proposers not considered to be socially/economically restricted businesses seeking to identify such businesses for joint venture and subcontracting opportunities are encouraged to contact the Department of General Services, Bureau of Contract Administration and Business Development, Room 502 North Office Building, Harrisburg, PA 17125, Phone: (717) 787-7380, FAX: (717) 787-7052.

SERBs are encouraged to participate as prime proposers. SERBs qualifying as an MBE/WBE must provide their BCABD certification number. SERBs qualifying as a result of being located in a designated enterprise zone must provide proof of this status.

Proposers not considered to be SERBs must describe, in a narrative form, their company's approach to enhance SERB utilization on a professional level in the implementation of this proposal.

The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by SERBs.

Priority Rank 2. Proposals submitted from a joint venture with a Commonwealth approved SERB as a joint venture partner.

Priority Rank 3. Proposals submitted with subcontracting commitments to SERBs.

Each proposal will be rated for its approach to enhancing the utilization of SERB. The optional approach used will be evaluated with option number 1 receiving the greatest value and the succeeding options receiving a value in accordance with the above-listed priority ranking.

The dollar value designated for SERB Commitment should be placed in a separate sealed envelope and stapled to the SERB section of the proposal. Contractor

proposals should also include the SERB value in the Cost and Price Analysis section of the proposal. The applicable items shown in the Cost and Price Analysis section should also be used to prepare and detail the proposed SERB Commitment value including, if applicable, fiscal year breakdown. The selected contractor's SERB Commitment amount will be included as a contractual obligation when a contract is entered into.

#### 4. Cost and Price Analysis

In addition to the letters of interest, the DGS Forms 150 and 150-S and SERB information, a single copy of the hourly rates of the persons who will be working on the projects shall be submitted. Such copy shall be in a sealed envelope clearly identified as to its contents. The contents of this envelope will be opened after the evaluation committee submits its report to the Bureau Director on other aspects of the proposal.

The hourly rates shall be itemized to show the basic rates plus fringe benefits, profits, administrative costs, and the like for these persons. Examples of such people shall include a firm principal, professional staff, draftspersons and secretary. Travel expenses shall be based on the current State rates per mile of automobile travel and for subsistence. Miscellaneous expenses such as telephone, printing and mailing shall be reimbursed at cost upon approval by the Department.

This contract will be a multiple year contract for a period of 4 years with an anticipated effective date of July 1, 1996. The extent of work for the second, third and fourth years will be dependent on the availability of additional funds and additional projects. Should hourly rates change during the second, third or fourth year of the contract, these rates must also be included in the sealed proposal.

#### Criteria for Selection:

The following factors will be considered during the evaluation of the firm's proposal:

- a. *Understanding the Problem.* This refers to the contractor's understanding of the agency needs that generated the RFP, of the agency's objectives in asking for the services or undertaking the study, and of the nature and scope of the work involved.

- b. *Contractor Qualifications.* This refers to the ability of the contractor to meet the terms of the RFP, especially the time constraint and the quality, relevancy, and recency of studies and projects completed by the contractor. This also includes the contractor's financial ability to undertake a project of this size.

- c. *Personnel Qualifications.* This refers to the competence of professional personnel who would be assigned to the job by the contractor. Qualifications of professional personnel will be measured by experience and education, with particular reference to experience on studies/services similar to that described in the RFP. Particular emphasis is placed on the qualifications of the project manager.

- d. *Soundness of Approach.* Emphasis here is on the techniques for collecting and analyzing data, sequence and relationships of major steps, and methods for managing the study/service. Of equal importance is whether the technical approach is completely responsive to all written specifications and requirements contained in the RFP and if it appears to meet agency objectives.

- e. *SERB Participation.* Emphasis here is placed on:

1. Proposals submitted by MWBEO approved SERBs.



2. Commitments by proposers not considered to be SERBs which significantly utilize approved SERBs in joint ventures.

3. Commitments by proposers not considered to be SERBs which aggressively pursue the utilization of approved SERBs in subcontracting opportunities.

f. *Cost.* While this area will be weighted heavily, it will not normally be the deciding factor in the selection process.

Maximum weights for each major criterion have been established by the developers of the RFP prior to the review of the proposals.

The first four criteria will be rated by a panel of at least four members. BCABD will rate the "SERB Participation" criterion. The cost criterion will be rated by the Bureau Director and other Department personnel independent of the first five criteria.

Five copies of the letter of interest, the required standard DGS forms, and the SERB information, and a single separately sealed copy of the cost and price analysis must be received no later than 4 p.m. on August 13, 1996. The envelope containing the proposal should be clearly marked "PROPOSAL—DEP PROJECT NO. DEP-FPP-96:1".

The Commonwealth reserves the right to reject any and all proposals received as a result of this request, or to negotiate separately with competing contractors.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1140. Filed for public inspection July 12, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act, 42 U.S.C.A. §§ 241(a) and 247(b), will hold public meetings on Wednesday, July 17 and Thursday, July 18, 1996.

The meetings will be held at the Best Western Conference Center, Harrisburg West, 110 Limekiln Road, New Cumberland, PA from 10 a.m. to 4 p.m. each day.

For additional information, or for persons with a disability who desire to attend the meetings and require an auxiliary aid service or other accommodation to do so, contact Thomas M. DeMelfi at the following address and telephone number: Thomas M. DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA 17108, telephone: (717) 783-0574, TDD: (717) 783-6514 or Network/TDD: (8) (717) 433-6514.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1141. Filed for public inspection July 12, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Magic Money '96 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Magic Money '96.

2. *Price:* The price of a Pennsylvania Magic Money '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Magic Money '96 instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: Glove Symbol (GLOVE), Stars Symbol (STARS), Flower Symbol (FLOWER), Saw Symbol (SAW), Dove Symbol (DOVE), Top Hat Symbol (TOP HAT), Moon Symbol (MOON) and Rabbit Symbol (RABBIT).

4. *Prize Play Symbol:* Each Pennsylvania Magic Money '96 instant lottery ticket will contain one "Prize Star" area. The prize play symbols and their captions located in the "Prize Star" area are: FREE (TICKET), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$10\$ (TEN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100\$ (ONE HUN) and \$5000 (FIVE THO).

5. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$5, \$10, \$20, \$50, \$100 and \$5,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,141,200 tickets will be printed for the Pennsylvania Magic Money '96 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols in the "Play Area" and a prize play symbol of \$5,000 (FIVE THO) in the "Prize Star" area, and on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols in the "Play Area" and a prize play symbol of \$100\$ (ONE HUN) in the "Prize Star" area, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols in the "Play Area" and a prize play symbol of \$50\$ (FIFTY) in the "Prize Star" area, on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with three matching play symbols in the "Play Area" and a prize play symbol of \$20\$ (TWENTY) in the "Prize Star" area, on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with three matching play symbols in the "Play Area" and a prize play symbol of \$10\$ (TEN) in the "Prize Star" area, on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with three matching play symbols in the "Play Area" and a prize play symbol of \$5<sup>00</sup> (FIVE) in the "Prize Star" area, on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with three matching play symbols in the "Play Area" and a prize play symbol of \$2<sup>00</sup> (TWO) in the "Prize Star" area, on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets with three matching play symbols in the "Play Area" and a prize play symbol of FREE (TICKET) in the "Prize Star" area, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(i) A prize will be paid only for the highest Pennsylvania Magic Money '96 instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

8. *Grand Prize Drawing Procedure:*

(a) *Frequency:*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Magic Money '96 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists'

tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$100,000, or \$75,000, or \$50,000
Consolidation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million-annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Win	Approximate Odds	Approximate No. of Winners Per 10,141,200 Tickets
One Free Ticket Plus Entry	1:6	1,690,200
\$2	1:10	1,014,120
\$5	1:80	126,765
\$10	1:200	50,706
\$20	1:300	33,804
\$50	1:10,001	1,014
\$100	1:101,412	100
\$5,000	1:1,014,120	10

#### 9. Retailer Incentive Awards:

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Magic Money '96 instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Magic Money '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Magic Money '96, prize money on winning Pennsylvania Magic Money '96 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Magic Money '96, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the *Pennsylvania Code* (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Magic Money '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-1142. Filed for public inspection July 12, 1996, 9:00 a.m.]

## Pennsylvania Red Hot Cash Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Red Hot Cash.

2. *Price:* The price of a Pennsylvania Red Hot Cash instant lottery game ticket is \$1.00.

3. *Play Symbols:* The "Play Area" will contain a "Lucky \$ Amount" area and a "Your \$ Amounts" area. The play symbols and their captions located beneath the "Lucky \$ Amount" area and the "Your \$ Amounts" area in the "Play Area" are: \$1<sup>00</sup> (ONE), \$2<sup>00</sup> (TWO), \$5<sup>00</sup> (FIVE), \$10\$ (TEN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100\$ (ONE HUN), \$200\$ (TWO HUN) and \$500 (FIV HUN).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$20, \$50, \$100, \$200 and \$500. The player can win up to five times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,141,200 tickets will be printed for the Pennsylvania Red Hot Cash instant lottery game.

#### 6. Determination of Prize Winners:

(a) Holders of tickets where the "Lucky \$ Amount" play symbol of \$500 (FIV HUN) matches the "Your \$ Amounts" play symbol of \$500 (FIV HUN), on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets where the "Lucky \$ Amount" play symbol of \$200\$ (TWO HUN) matches the "Your \$ Amounts" play symbol of \$200\$ (TWO HUN), on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets where the "Lucky \$ Amount" play symbol of \$100\$ (ONE HUN) matches the "Your \$ Amounts" play symbol of \$100\$ (ONE HUN), on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets where the "Lucky \$ Amount" play symbol of \$50\$ (FIFTY) matches the "Your \$ Amounts" play symbol of \$50\$ (FIFTY), on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets where the "Lucky \$ Amount" play symbol of \$20\$ (TWENTY) matches the "Your \$ Amounts" play symbol of \$20\$ (TWENTY), on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets where the "Lucky \$ Amount" play symbol of \$10\$ (TEN) matches the "Your \$ Amounts" play symbol of \$10\$ (TEN), on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets where the "Lucky \$ Amount" play symbol of \$5<sup>00</sup> (FIVE) matches the "Your \$ Amounts" play symbol of \$5<sup>00</sup> (FIVE), on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets where the "Lucky \$ Amount" play symbol of \$2<sup>00</sup> (TWO) matches the "Your \$ Amounts" play symbol of \$2<sup>00</sup> (TWO), on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets where the "Lucky \$ Amount" play symbol is \$1<sup>00</sup> (ONE) matches the "Your \$ Amounts" play symbol of \$1<sup>00</sup> (ONE), on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,141,200 Tickets</i>
\$1	\$1	1:7.20	1,408,500
\$1 + \$1	\$2	1:25	405,648
\$2	\$2	1:80	126,765
\$1 + \$1 + \$1	\$3	1:60	169,020
\$2 + \$2	\$4	1:80	126,765
\$1 + \$1 + \$1 + \$1	\$4	1:100	101,412
\$1 + \$1 + \$1 + \$1 + \$1	\$5	1:120	84,510
\$5	\$5	1:200	50,706
\$2 + \$2 + \$2 + \$2 + \$2	\$10	1:400	25,353
\$5 + \$5	\$10	1:600	16,902
\$10	\$10	1:1,200	8,451
\$5 + \$5 + \$5 + \$5	\$20	1:600	16,902
\$10 + \$10	\$20	1:1,800	5,634
\$20	\$20	1:3,600	2,817
\$10 + \$10 + \$10 + \$10 + \$10	\$50	1:25,353	400
\$50	\$50	1:50,706	200
\$20 + \$20 + \$20 + \$20 + \$20	\$100	1:101,412	100
\$50 + \$50	\$100	1:101,412	100
\$100	\$100	1:202,824	50
\$50 + \$50 + \$50 + \$50	\$200	1:202,824	50
\$100 + \$100	\$200	1:202,824	50
\$200	\$200	1:507,060	20
\$100 + \$100 + \$100 + \$100 + \$100	\$500	1:507,060	20
\$500	\$500	1:1,014,120	10
\$200 + \$200 + \$200 + \$200 + \$200	\$1,000	1:2,028,240	5
\$500 + \$500	\$1,000	1:2,028,240	5

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Red Hot Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Red Hot Cash, prize money on winning Pennsylvania Red Hot Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Red Hot Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the *Pennsylvania Code* (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Red Hot Cash or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-1143. Filed for public inspection July 12, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Lawrence Coal Company v. DEP; Doc. No. 81-101-MR (Consolidated)

The Department of Environmental Protection (Department) and Lawrence Coal Company (Lawrence) have agreed to a settlement of the above matter.

The parties have agreed to a settlement, the major provisions of which include: Lawrence Coal has agreed to treat various discharges of acid mine drainage from the Roger Mills Strip, a surface mine subject to Mine Drainage Permit No. 3376SM15(T) and located in Springfield Township, Fayette County, to install a passive treatment system for other discharges from the mine, and to implement an abatement project for one of the treated discharges from the mine.

Copies of the full agreement are in the possession of:

Diana J. Stares, Regional Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Louise D. Monaghan, Esquire, Radcliffe, DeHaas & Monaghan, 99 East Main Street, 2nd Floor, Uniontown, PA 15401;

Clyde H. Slease, III, Esquire, Doepken, Keevican, & Weiss P.C., 37th Floor, USX Tower, 600 Grant Street, Pittsburgh, PA 15219;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-1144. Filed for public inspection July 12, 1996, 9:00 a.m.]

**Thompson Bros. Coal Co., Inc. v. DEP; EHB Doc. No. 96-031-R**

The Department of Environmental Protection (Department) and Thompson Bros. Coal Co., Inc. (Thompson Bros.) have agreed to a settlement of the above matter. On December 28, 1995, the Department notified Thompson Bros. that its application for bond release had been denied. Under 25 Pa. Code §§ 86.171 and 86.172 the application was denied because of the existence of an acid mine drainage discharge on or emanating from areas disturbed by mining on the Emigh #1 mine site in Morris Township, Clearfield County, specifically flow at Monitoring Point 5 (MP 5). On or about January 26, 1996, Thompson Bros. appealed the Department's denial of the application for bond release to the Environmental Hearing Board, which appeal was docketed at EHB Docket No. 96-031-R. The parties have agreed to a settlement, the major provisions of which include:

1. Within 60 days of the execution of the Consent Order and Adjudication, Thompson Bros. will complete the following tasks:

a. retain a contractor with experience in pressure sealing boreholes; and

b. submit a work plan, and a stream encroachment permit application, if necessary, for the sealing of the borehole, located in the vicinity of MP 5.

2. Within 120 days of the execution of the Consent Order and Adjudication, the contractor for Thompson Brothers will pressure seal the borehole, located in the vicinity of MP 5.

3. Within 20 days of the contractor completing the work to seal the alleged borehole, Thompson Bros. will submit a report documenting the sealing of the borehole.

4. Upon successful elimination of the flow of acid mine drainage, as a result of Thompson Bros.' activities, Thompson Bros. may request the release of one half of the Stage I bond release amount for bond numbers KO3300729 and MKO3295886. The total bond amount eligible for release under this subparagraph is \$82,100.

5. Upon successful elimination of the flow of acid mine drainage, as a result of Thompson Bros. activities,

Thompson Bros. shall, for a period of 1 year complete the following tasks described below:

a. Monitor MP 5, all areas to be affected by the borehole sealing activities and Emigh Run, both above and below the project area to the limits of the area affected by the borehole sealing activities, for new acid mine drainage discharges, and submit monthly reports to the Department documenting the conditions at MP 5, all areas to be affected by the borehole sealing activities and the water quality of Emigh Run.

b. Determine whether the seal continues to eliminate the flow of acid mine drainage emanating from in and around MP 5. For the purposes of this determination, elimination of the flow of acid mine drainage from in and around MP 5 will be confirmed only if the following conditions are documented within the permit area for the Emigh #1 mine site;

(1) no acid mine drainage discharge is present at or within a 25 foot radius of MP 5; and

(2) no acid mine drainage flows are created elsewhere which are determined by the Department to be related to MP 5. If any acid mine drainage flows not previously documented by the Department are found by the Department to be created by Thompson Bros.' activities, the Department reserves the right to take whatever further action it deems appropriate to abate such discharges and Thompson Bros. reserves whatever rights of appeal it may have to such actions.

6. Upon successful elimination of the flow acid mine drainage from the area in and around MP 5 and after completion of the Thompson Bros.' obligations set forth above, and if no new acid mine drainage discharges have developed which are determined by the Department to be related to MP 5, Thompson Bros. may request the release of at least the remaining one half of the Stage I bond release amount for bond numbers KO3300729 and MKO3295886. The total bond amount to be released under this subparagraph is \$82,100. In addition, if the requirements described above are met, Thompson Bros. may file additional completion reports for the release of any additional bond for the Emigh #1 mine site which may be eligible for release.

7. Prior to the commencement of the activities described above, the parties shall complete a stream recognition and survey of Emigh Run, as well as the Emigh #1 Mine Site, documenting the hydrologic conditions of the stream. This survey shall serve as a baseline for determining whether any new discharges are created by the activities described above. Upon the execution of this Consent Order and Adjudication, Thompson Bros. shall not be held responsible for any discharges noted in this preproject survey, so long as the discharge points noted are not adversely affected as a result of the activities described above.

8. If the Department makes a determination that the seal is not eliminating the flow of acid mine drainage from MP 5, the Department's denial of the bond release will remain in full force and effect.

Copies of the full agreement are in the hands of:

Marc A. Ross, Esquire, Assistant Counsel, DEP, 400 Market Street, Ninth Floor, P. O. Box 8464, Harrisburg, PA 17105-8464;

George S. Test, Jr., Esquire, P. O. Box 706, Philipsburg, PA 16866;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely made.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-1145. Filed for public inspection July 12, 1996, 9:00 a.m.]

**Westvaco Corporation v. DEP and New Enterprise Stone and Lime Co., Inc., Permittee, EHB Doc. No. 96-136-MR**

Westvaco Corporation has appealed the issuance by the Department of Environmental Protection of an NPDES permit to New Enterprise Stone and Lime Co., Inc. for a facility in Warriors Mark Township, Huntingdon County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing 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 any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (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. 96-1146. Filed for public inspection July 12, 1996, 9:00 a.m.]

**HOUSING FINANCE AGENCY**

**Homeowner's Emergency Mortgage Assistance Program; Availability of Funds**

Under section 409-C of the Housing Finance Agency Law (35 P.S. § 1680.101 et seq.) (act), the Executive Director of the Housing Finance Agency (Agency) has

determined that the Agency will have sufficient money available in the Homeowner's Mortgage Assistance Fund (Fund) to continue approving new applications for emergency mortgage assistance. This is due to the enactment of the General Fund Budget for Fiscal Year 1996-97, which contains an appropriation of \$3,000,000 for the Homeowner's Emergency Mortgage Assistance Program.

The Agency projects that based upon this level of funding and expected repayments to be made to the Homeowner's Mortgage Assistance Program Fund, the money in the Fund will be insufficient to carry out the Program for the entire Fiscal Year. All applications approved will continue to be conditioned upon the availability of funds.

Mortgagees and mortgages shall continue to be subject to the provisions of Article IV-C of the act, 35 P.S. § 1680.401-C et seq., and the Agency's Guidelines, 16 Pa. Code § 40.201 et seq.

Should funds become insufficient to continue funding the program, the Executive Director shall cause a notice to be published in the *Pennsylvania Bulletin*, at least 60 days prior to the depletion of funds, announcing that fact and stating a date certain after which mortgagees will no longer be required to comply with the act.

This notice shall take effect immediately.

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 96-1147. Filed for public inspection July 12, 1996, 9:00 a.m.]

**INDEPENDENT REGULATORY REVIEW COMMISSION**

**Notice of Filing of Final-Form Rulemakings**

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulation for review. The regulation will be considered within 30 days of its receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
18-332	Department of Transportation Mechanical, Electrical and Electronic Speed- Timing Devices	07/01/96

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1148. Filed for public inspection July 12, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Actuarial Estimate of the Changes in Workers Compensation Loss Costs; Request for Proposal

On June 24, 1996, Governor Tom Ridge signed into law Act 57 of 1996 (Senate Bill 801) which reforms the workers compensation laws in Pennsylvania. Among other things, this legislation requires that the Insurance Commissioner appoint an independent actuary to estimate the changes in workers compensation loss costs resulting from the implementation of Act 57 of 1996, Act 44 of 1993, and from a review of data not considered in any previous loss cost filing. This notice is offered to alert interested contractors that the Insurance Department will be issuing a Request for Proposal (RFP) for the required services on or about July 19, 1996.

Interested contractors can request a copy of the RFP by contacting Randy Rohrbaugh, Director, Bureau of Property and Casualty Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, at (717) 787-4192.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1149. Filed for public inspection July 12, 1996, 9:00 a.m.]

### Capital Blue Cross; Amendatory Rider to the Basic Blue Cross Contract for: Individual Accounts (Form No. F-899); Community Rated Groups (Form No. F-900); Experience Rated Groups (Form No. F-901); Incorporating the Out-of-Area Claims Program "BlueCard" into the Individual Account and Group Contracts and the Out-of-Area Resident Program into the Experience Rated Group Contracts Only; Filing No. 96-U

By filing no. 96-U, Capital Blue Cross proposes to amend group and individual account contracts to include the BlueCard Program and the Out-of-Area Resident Program. The BlueCard Program allows Members to receive Covered Services from Participating Providers located outside the geographic area served by the Plan.

While the Out-of-Area Resident program, which will be included in Experience Rated Group Contracts only, allows Members whose residence is not located in the geographic area which is served by the Plan to receive benefits, in whole or in part, by another Blue Cross and/or Blue Shield Plan which serves the geographic area in which the residence is located. An effective date of January 1, 1997, is requested. The form filing consists of ten pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections, to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate

and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1150. Filed for public inspection July 12, 1996, 9:00 a.m.]

### Pennsylvania Compensation Rating Bureau; Workers' Compensation Manual Revision

On June 27, 1996, the Insurance Department received from the Pennsylvania Compensation Rating Bureau a filing for a change in Workers' Compensation classification procedure.

Present procedure assigns Code 815, Automobile Service Center, to any gas station selling gasoline and performing automobile repairs. The filing proposes that Code 816, Automobile Filling Station, be assigned if 50% or more of the gas stations' gross receipts result from gasoline sales. The filing proposes the change classification procedure become effective September 1, 1996.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections, to Larry Polin, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1151. Filed for public inspection July 12, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before August 5, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00105758, Folder 1, Am-D. Stewart Bus Line, Inc.** (R. D. 1, Box 82B, Avonmore, Armstrong County, PA 15618), a corporation of the Commonwealth of Pennsylvania—persons between points in the borough of Apollo and the township of Kiskiminetas, Armstrong County, so as to permit the transportation of persons in group and party service, for Pennsylvania State University related activities, between points on its campus at New Kensington, and the cities of new Kensington and Lower Burrell, and the township of Upper Burrell, and from said territory to points in Pennsylvania; subject to the following condition: that all service shall be rendered in vehicles having a seating capacity of 25 passengers, or less. *Attorney:* Patricia Armstrong, P. O. Box 9500, Harrisburg, PA 17108.

**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 July 29, 1996.

- A-00113185 Damar Transportation, Inc.  
P. O. Box 4502, Allentown, PA 18105-4502
- A-00113186 Robert Nealon Dempsey, t/d/b/a  
Related Legal Services  
2206 Jefferson Avenue, Dunmore, PA 18509
- A-00113187 Francis R. Bellotti  
HC2, Box 25, Marenville, PA 16239
- A-00113188 Clifton Fay Palmer  
R. R. 1, Box 251, Springville, PA 18844
- A-00113189 George Dobrinski  
R. R. 2, Box 944, Tunkhannock, PA 18657
- A-00106333, F.2 Samuel C. Garrett  
R. D. 1, Box 74, New Wilmington, PA 16142

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1152. Filed for public inspection July 12, 1996, 9:00 a.m.]

**PUBLIC SCHOOL  
EMPLOYEES' RETIREMENT  
BOARD**

**Hearings Scheduled**

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees'

Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

- August 7, 1996 Earl M. Stidard, Jr. 1 p.m.  
(Disability Eligibility)
- Samuel J. Romesberg, Jr. 2:30 p.m.  
(Final Average Salary)
- August 21, 1996 Dennis E. Van Tassel 1 p.m.  
(Purchase of Service)
- Marshall F. Kaufman 2:30 p.m.  
(Mellow Incentive)
- August 29, 1996 Lois C. Teaford 1 p.m.  
(Membership Eligibility)

Persons with a disability who wish to attend the above listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JAMES A. PERRY,  
*Secretary*

[Pa.B. Doc. No. 96-1153. Filed for public inspection July 12, 1996, 9:00 a.m.]

**STATE TRANSPORTATION  
ADVISORY COMMITTEE**

**Meeting Notice**

The State Transportation Advisory Committee will hold a scheduled quarterly meeting on Friday, July 26, 1996. This meeting is open to the public and will begin at 10 a.m. at the following location: Executive Conference Room 1201, Transportation and Safety Building, Harrisburg, PA 17120.

The meeting location is accessible to persons having disabilities. Persons having special needs or requiring special aides are requested to contact the State Transportation Commission Office at (717) 787-2913 in order that special disability needs may be accommodated.

H. MICHAEL LIPTAK,  
*Chairperson*

[Pa.B. Doc. No. 96-1154. Filed for public inspection July 12, 1996, 9:00 a.m.]



# TURNPIKE COMMISSION

## Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 83-005-RE08.** Construction of Pennsylvania Turnpike Bridge No. B-459-A and State Route 4001, section 001, at M. P. 103.5 in Somerset County, PA.

*Bid Opening:* August 7, 1996, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$30 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the

Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1155. Filed for public inspection July 12, 1996, 9:00 a.m.]

## Sale of Bridge Crane

Bridge crane for sale by sealed bid by the Turnpike Commission. 1973 Paxton-Mitchell (Super Snooper), personnel lift, lifting crane, under bridge unit, Mack chassis. Bid open July 24, 1996, at 11 a.m. For bid forms call Bid Clerk at (717) 939-9551, ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1156. Filed for public inspection July 12, 1996, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**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.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**

### Commodities

**1121146** Cameras, lenses and supplies—1 lot; Canon L2 video camera or approved equal.

**Department:** Attorney General  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1151216** Firefighting, rescue, safety and police equipment and supplies—20 rolls; fencing, galvanized wire, mesh fabric.

**Department:** Public Welfare  
**Location:** Warren State Hospital, North Warren, Bradford County, PA 16365-5099  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1144116** Lumber, millwork, plywood and veneer—1 lot (53,000 bd. ft.); hardwood lumber: to be kiln dried 6–8% moisture content. Hardwoods to be free of honeycomb, surface checks, sticker stain and minimal bacterial infection.

**Department:** Corrections  
**Location:** Frackville, Schuylkill County, PA 17932  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1104156** Maintenance and repair shop equipment—9 each; Teclab TWS-1514-M technical work bench.

**Department:** PA State University  
**Location:** University Park, Centre County, PA 16801  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1100236** Paper and printing—50m; envelopes—size 9 x 12—brown Kraft w/top open, extra heavy gummed flaps, booklet style, No. 28 Kraft.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA 17110-9797  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8160850** Tractors—1 each; latest model agricultural/general purpose wheel tractor.

**Department:** Transportation  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8231490** Trucks and construction vehicles—2 each; 1997 model sign truck w/bucket (5455/Spec. Type III) w/option same as No. 1.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**2087155** Water purification and sewage treatment equipment and pumps—1 project; furnish and install four (4) Neptune meters without substitution.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1067046** Miscellaneous—1,133,200 each; individual dog tags.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA 17110-9408  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1156046** Paper/Printing—several amounts; dog license.

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA 17110-9408  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services, Fax request to: (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

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# SERVICES

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## Audio/Video—04

**Project No. 3500-205** "Telephone Answering Service" The objective of this project is to provide answering services for the Department of Transportation District 5 (including Berks, Carbon, Lehigh, Monroe, Northampton, and Schuylkill Counties) during off hours and State holidays. Detailed requirements and an SPC are available upon request. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA; District 5 (various counties)  
**Duration:** August 1, 1996—July 31, 1998  
**Contact:** Dorothy Irvin, (717) 787-7997

**Project No. 3500-206** "Telephone Answering Service" The objective of this project is to provide answering services for the Department of Transportation District 6 (including Bucks, Chester, Delaware, Montgomery and Philadelphia Counties) during off hours and State holidays. Detailed requirements and an SPC are available upon request. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA; District 6 (various counties)  
**Duration:** August 1, 1996—July 31, 1998  
**Contact:** Dorothy Irvin, (717) 787-7997

## Computer Related Services—08

**WC 619** Provide, install, terminate, test, and document Category 3 Voice and Category 5 Network wiring to approximately 28 and 84 stations, respectively, as well as, a 100 pair copper and a 12 strand fiber optic cable from the entrance point to the telephone closet. Minority and women owned businesses are encouraged to participate.

**Department:** State System of Higher Education  
**Location:** West Chester University, Peoples Building, West Chester, PA  
**Duration:** 60 calendar days  
**Contact:** Jacki Marthinsen, (610) 436-2705

**HASSS96** The Office of the Chancellor of the State System of Higher Education, wishes to obtain support services for its Local Area Network and stations. Please call (717) 720-4141 for bid package. This contract will be for one (1) year renewable at our option each year for an additional four years. Bids must be submitted no later than August 1, 1996 at 12:00 noon, when bids will be opened.

**Department:** State System of Higher Education  
**Location:** Procurement Office, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** September 1, 1996 to September 1, 1997  
**Contact:** A. Jane Collier, (717) 720-4086

## Construction Maintenance—09

**080910** Columbia County, SR 254(016).

**Department:** Transportation  
**Location:** District 3-0  
**Duration:** FY 1995/1996  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**SP 323323** Excavate, backfill, compact, provide and install CMP culverts, and construction of 7 inlets along Kings Gap Road, Cumberland County.

**Department:** Conservation and Natural Resources  
**Location:** Kings Gap Environmental Education Center, 500 Kings Gap Road, Carlisle, PA 17013-9306  
**Duration:** Completion time—60 days after notice to proceed  
**Contact:** Gene Strick, (814) 733-9123

## Engineering Services and Consultation—14

**DEP-FPP-96-1** Retain services of a geotechnical engineering consulting firm to assist and advise the Department on proposed water related projects on a Statewide basis. For further information, refer to the Notice Section, Retention of Engineering Firms, located in the front of this Bulletin.

**Department:** Environmental Protection  
**Location:** Flood Protection Projects throughout Pennsylvania  
**Duration:** 4 years after notice to proceed  
**Contact:** Dale A. Hamlen, (717) 787-3411

**PD-152** Slippery Rock University of Pennsylvania is interested in engaging a professional for the development of a Facilities Master Plan for the campus. The Master Plan will focus on surveying existing conditions and development of a plan that ensures coordinated growth in an efficient and aesthetically pleasing manner while maximizing facility utilization of existing and planned efforts. Interested professionals can obtain the Request for Interest by contacting J. F. Revesz, Contracts Manager at (412) 738-2026. Proposals from professionals are due July 26, 1996 at 2:00 p.m. in the Business Services Office, Old Main. The University encourages responses from small firms, MBE/WBE firms and firms which have not previously performed work for the University; and will consider joint ventures which enable their firms to participate in University professional service contracts. Professionals submitting proposals should mark PD-152 on the outside of the envelope.

**Department:** State System of Higher Education  
**Location:** Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057  
**Duration:** 12 months  
**Contact:** J. F. Revesz, Contracts Manager, (412) 738-2255

**MU-200** Project title: Student Union Renovations. Mansfield University of the State System of Higher Education invites interested Architectural/Engineering Firms to submit proposals that include design, renovation and construction to convert the old Library, Alumni Hall to a Student Union Facility. The proposals must be received on August 22, 1996 at 2:00 p.m. in the Purchasing Department, Brooks Maintenance Building, Mansfield, PA 16933. The System encourages responses from small firms, minority firms, women-owned firms, and will consider joint ventures which still enable firms to participate in a System Professional Services Contract. The pre-proposal conference is on Wednesday, July 31, 1996, at 11:00 a.m. in Memorial Hall, Room 204. Packages will be available on July 22, 1996. Requests for information should be directed to Mr. Tekeste B. Abraham, Director of Purchasing, Mansfield University, Mansfield, PA 16933, phone (717) 662-4890, Fax (717) 662-4118.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, PA 16933  
**Duration:** 9 months  
**Contact:** Tekeste B. Abraham, Director of Purchasing, (717) 662-4890

**Environmental Maintenance Services—15**

**BOGM 96-5** Clean out and plug one Abandoned Oil and Gas Well on the White property, estimated to be 1400 feet deep.

**Department:** Environmental Protection  
**Location:** City of Bradford, McKean County, PA  
**Duration:** 30 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**BOGM 96-6** Clean out and plug one Orphan Gas Well on the Richard Robie property estimated to be 1200 feet deep.

**Department:** Environmental Protection  
**Location:** Borough of Girard, Erie County, PA  
**Duration:** 30 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM 40(2138)101.1** Backfilling Strip Pit, Curry Hill-Avondale. Involves an estimated 709,200 C. Y. of grading and 47.3 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Plymouth Township, Luzerne County, PA  
**Duration:** 430 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM 11(2709)101.1** Abandoned Mine Land Reclamation Walsall North. Involves an estimated 1.6 acres of grading, 1.6 acres of 12 inch thick soil cover, 355 L. F. of subsurface drain, backfilling 2 mine shafts and 6 subsidence holes and 1.8 acre of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Richland Township, Cambria County, PA  
**Duration:** 210 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**253** Well drilling. Contractor to drill a 6" well with steel casing installed, to a minimum depth of 30' or greater. Bid specifications available.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, ext. 251

**Financial and Insurance Consulting—17**

**BOA-96/97-001** The Office of the Budget will issue a Request for Proposal (RFP) for services to perform a financial related audit for the fiscal years ended June 30, 1993, 1994, 1995 and 1996 and a performance audit of selected areas of the Department of the Auditor General. The audits must be performed in accordance with generally accepted government auditing standards promulgated by the U. S. General Accounting Office.

**Department:** Office of the Budget  
**Location:** Primary offices in Harrisburg; other offices in Philadelphia, Pittsburgh, Scranton, Erie and Reading, PA  
**Duration:** Until the engagement completion date which will be defined in the RFP  
**Contact:** J. Terry Kostoff, Director, Bureau of Audits, (717) 783-0114

**Food—19**

**CAT9196** The Office of the Chancellor of the State System of Higher Education, wishes to obtain exclusive catering contract to supply full service catering for events and facilities at Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110. This contract will be a one (1) year renewable at our option each year for an additional four years. Bids must be submitted no later than August 1, 1996 at 12:00 noon, when bids will be opened.

**Department:** State System of Higher Education  
**Location:** Procurement Office, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** 9/1/96 to 9/1/97  
**Contact:** A. Jane Collier, (717) 720-4086

**Hazardous Material Services—21**

**19,619** Contractor shall remove all asbestos from an annex at the State Correctional Institution at Dallas. Unit contains approximately 1,800 feet straight pipe insulation, 240 elbows and fittings. A site visit is required.

**Department:** Corrections  
**Location:** State Correctional Institution at Dallas, Dallas, PA 18612  
**Duration:** August 1, 1996 to June 30, 1997  
**Contact:** Robert Faneck, Business Manager, (717) 675-1101, ext. 215

**Heating, Ventilation, Air Conditioning—22**

**WC 587R.1 and WC 587R.2** Provide and install a 30KW emergency generator in both McCarthy and Killinger Halls' basements. Each unit will have an automatic transfer connected to the existing wiring system and will require fuel fill, vent and exhaust pipes installed. The units will be mounted on vibration isolators. The work will not begin before 9:00 a.m., and disruption to the students must be kept to a minimum. One contract will be issued for the electrical work and a second contract will be issued for the mechanical work. Prevailing wages apply. Minority and women owned businesses are encouraged to participate.

**Department:** State System of Higher Education  
**Location:** Killinger and McCarthy Halls, West Chester University, West Chester, PA  
**Duration:** 80 days  
**Contact:** Jacki Marthinsen, (610) 436-2705

**CL-450** Bids are solicited on a project to replace the central boiler including all conduit and controls, in a building, Frame Hall, on the Oil City Campus at Clarion University. Pre-bid July 23, 10 a.m. in Oil City. Bids due: 1:30 p.m., August 5. Bids open: 1:30 p.m., August 6. \$15 non-refundable deposit for bid package.

**Department:** State System of Higher Education  
**Location:** Clarion University, Oil City, Venango County, PA  
**Duration:** 30 days from notice to proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**Project No. 950** On-call air conditioning.

**Department:** Military and Veterans Affairs  
**Location:** DMVA, State Buildings, Ft. Indiantown Gap, Lebanon County, PA  
**Duration:** 1 August 1996—30 September 1999  
**Contact:** Emma Schroff, (717) 861-8518

**CL-458.2** Installation of light poles and associated wiring for parking lot project on Clarion campus. Pre-bid 10 a.m., July 18. Bid due: 1:30 p.m., July 25. Bid packages available from contact person.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, Clarion County, PA  
**Duration:** 60 days from notice to proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

### Janitorial Services—23

**11096006** Contractor to provide general cleaning and janitorial services, snow and ice removal and lawn care to the Engineering District 11-0 office building located in Bridgeville, Allegheny County. Services consist of daily cleaning of all office areas, meeting rooms and rest rooms, and periodic window cleaning, snow and ice removal, lawn maintenance and other minor tasks as directed.

**Department:** Transportation  
**Location:** Engineering District 11-0, District 11-0 Office Building, Collier Township, Bridgeville, Allegheny County, PA  
**Duration:** 10-1-96 through 9-30-97 with renewal options  
**Contact:** Andy Playso, (412) 429-4942

### Lodging/Meeting Facilities—27

**L&I-11-96** Contractor to provide lodging, meals, a.m.-p.m. breaks, meeting rooms and audio/visual equipment for 1996 Pennsylvania Conservation Corps Crewleaders Training Conference.

**Department:** Labor and Industry  
**Location:** Within 10 miles of Harrisburg, PA  
**Duration:** 10/8/96—10/10/96  
**Contact:** Richard J. Fairfax, PA Conservation Corps, (717) 772-4079

### Medical Services—29

**No. 8054** Provide neurological evaluations of individuals of Ebensburg Center, as well as consultation with and training of staff regarding seizure disorders, control and related conditions. Bid specifications can be received from the Purchasing Office of the Ebensburg Center.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** Cora M. Davis, Purchasing Agent I, (814) 472-0288

### Property Maintenance—33

**Project No. 9719** Replace 6 existing roof drains with new.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 108 West Washington Avenue, Connellsville, Fayette County, PA  
**Duration:** 1 September 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 9720** Roof replacement.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 290 North College Boulevard, Kutztown, Berks County, PA  
**Duration:** 1 September 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**IN-725** New food court and entrance Folger Dining Hall. Work included under this project consists of new food court and entrance, Folger Dining Hall, consisting of removing existing walls, lights, switches, etc., to furnish and install new walls, lights, switches, 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

**SP 323324** Provide labor, materials, equipment, and services needed to paint approximately 4400 square feet of the exterior surface on water tank at Canoe Creek State Park, Blair County, PA.

**Department:** Conservation and Natural Resources  
**Location:** Canoe Creek State Park, R. R. 2, Box 560, Hollidaysburg, PA 16648-9752  
**Duration:** Completion time—30 days after notice to proceed  
**Contact:** Gene Strick, (814) 733-9123

**7200-0183** Provide snow and ice removal for the Chambersburg Driver Exam Site as needed, including driveways, parking areas and driver's course. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or Fax (717) 772-3254. (Actual Bid Package cannot be faxed).

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Chambersburg Driver Exam Site, Mill Road, Chambersburg, PA 17201  
**Duration:** 11/01/96 to 10/31/99; Two 1 year options; Bid opening: 2:00 p.m., 8/27/96  
**Contact:** Janett Johnson, (717) 783-8482

**7200-0184** Provide snow and ice removal for the Somerset Driver Exam Site as needed, including driveways, parking areas and driver's course. Detailed work schedule and bid package can be obtained from Facility Management at (717) 783-8482 or Fax (717) 772-3254. (Actual Bid Package cannot be faxed).

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Somerset Driver Exam Site, Rear of PSP Station, 2 miles East of Somerset on Route 31, Somerset, PA 15501  
**Duration:** 11/01/96 to 10/31/99; Two 1 year options; Bid opening: 2:00 p.m., 8/27/96  
**Contact:** Janett Johnson, (717) 783-8482

### Real Estate Services—35

**914A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with 22,533 net useable square feet of new or existing office space in Harrisburg, Dauphin County, PA, with minimum parking for thirty-four (34) vehicles, within the following boundaries: North: Reily Street; South: Chestnut Street; East: 7th Street; West: Front Street. The office must be situated within two (2) blocks of a public transportation system. Proposals due: August 30, 1996. Solicitation No.: 092305.

**Department:** General Services  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

**913A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of State with 2,682 useable square feet of new or existing office space in Harrisburg, Dauphin County, PA, with minimum parking for ten (10) vehicles, within the following boundaries: within a four (4) mile radius by road of the Capitol Complex. Proposals due: August 5, 1996. Solicitation No.: 092307.

**Department:** General Services  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or Edward P. Meyer, (717) 787-4394

**912A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with a minimum of 1,975 and a maximum of 2,489 useable square feet of new or existing office space. Property offered must be in Beaver County, within a two (2) mile radius of the Aliquippa Exit of Route 60, with minimum parking for six (6) vehicles. In areas where street or public parking is not available, an additional fifteen (15) parking spaces are required. The office must be situated within three (3) blocks of a public transportation system. Proposals due: September 9, 1996. Solicitation No.: 092293.

**Department:** General Services  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

### Sanitation—36

**B-6708** Vendor to provide sludge hauling removal services from our sewage treatment plant located at the State Correctional Institution Graterford. Sludge to be removed for a 2 year contract will be approximately 500,000 gallons.

**Department:** Corrections  
**Location:** State Correctional Institution Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 2 years  
**Contact:** Kelly Richardson, (610) 489-4151

### Miscellaneous—39

**Project No. 95-40** "Disadvantaged Business Enterprise (DBE) Supportive Services—Eastern PA." The objective of this project is to provide supportive services to DBEs by providing information and assistance to DBEs in making application and becoming certified with PennDOT. In addition, supportive services will include training of certified DBEs in all areas of highway and bridge construction/contract management and providing technical assistance. Technical questions must be faxed to Debra Gray (717) 783-7971 no later than July 26, 1996. Detailed requirements and an RFP are available upon request. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State St. Bldg., 500 N. Third St.  
**Location:** Eastern Region of the Commonwealth of PA  
**Duration:** 1 year with renewal(s)  
**Contact:** Dorothy Irvin (717) 787-7997

**Project No. 95-41** "Disadvantaged Business Enterprise (DBE) Supportive Services—Western PA." The objective of this project is to provide supportive services to DBEs by providing information and assistance to DBEs in making application and becoming certified with PennDOT. In addition, supportive services will include training of certified DBEs in all areas of highway and bridge construction/contract management and providing technical assistance. Technical questions must be faxed to Debra Gray (717) 783-7971 no later than July 26, 1996. Detailed requirements and an RFP are available upon request. Fax requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Western Region of the Commonwealth of PA  
**Duration:** 1 year with renewal(s)  
**Contact:** Dorothy Irvin, (717) 787-7997

[Pa.B. Doc. No. 96-1157. Filed for public inspection July 12, 1996, 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 Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*



## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
				2622135-01	07/01/96	General Mat and Floor Products, Inc.	77,487.00
1031156-01	07/01/96	Stageright Corporation	11,057.00	2667815-01	07/01/96	The Trane Company	10,860.00
1062356-01	07/01/96	Ensys, Inc.	38,312.21	2668815-01	07/01/96	H. C. Nye Company	4,500.00
1073116-01	07/01/96	Flex-O-Lite	56,700.00	5665-03 Re- Award	06/28/96	Energy Ab- sorption Systems, Inc.	127,945.00
1114156-01	07/01/96	Johnson Con- trols, Inc.	5,345.53	7220-01	07/01/96	Galer and Hults, Inc.	57,605.05
1623205-01-1	07/01/96	Auburn Label and Tag Co.	29,000.00	7220-01	07/01/96	Associated Supply Com- pany, Inc.	47,943.80
2015125-01	07/01/96	IBM	231,965.00	7220-01	07/01/96	Industrial Soap Com- pany	70,496.75
2257215-01	07/01/96	D. F. McCul- loch & Asso- ciates	24,125.00	7313530-01	07/01/96	Duro Bag Mfg. Co.	533,415.00
2342385-01	07/01/96	Foster F. Wineland, Inc.	56,420.00	7485-01 Rebid in Part No. 1	07/03/96	Richard Young Journal, Inc.	56,407.00
2377135-01	07/01/96	Applied Video Technology, Inc.	15,137.00	7485-01 Rebid in Part No. 1	07/03/96	Sentry Busi- ness Prod- ucts	5,830.00
2402165-01	07/01/96	Advanced Training Systems, Inc.	52,179.00	7485-01 Rebid in Part No. 1	07/03/96	Swifeagle En- terprises, Inc.	41,760.00
2458115-01	07/01/96	Advanced Training Systems, Inc.	117,214.00	7485-01 Rebid in Part No. 1	07/03/96	Miami Com- puter Sup- ply	6,749.00
2481225-01	07/01/96	Whitehill Lighting and Supply	1,086.73	7485-01 Rebid in Part No. 1	07/03/96	Supply Line, Inc.	464,935.00
2481225-02	07/01/96	Keystone Elec- trical Supply Co.	3,278.00	7485-01 Rebid in Part No. 1	07/03/96	G. A. Blanco and Sons	26,500.00
2481225-03	07/01/96	The Hite Co.	7,997.80	7485-01 Rebid in Part No. 1	07/03/96	Rudolphs Of- fice Supply	84,089.00
2481225-04	07/01/96	Wesco Distri- bution	9,180.00	7920-07	07/01/96	Unisource En- terprise Pa- per Com- pany	27,232.92
2481225-05	07/01/96	Dauphin Elec- tric Supply	22,742.74	7920-07	07/01/96	Industrial Soap Com- pany	17,175.69
2493355-01	07/01/96	API	463,675.00	8071780-01	07/01/96	Russell Stan- dard Corp.	396,877.50
2502355-01	07/01/96	Hurley & As- sociates	31,626.00	8071790-01	07/01/96	Foster Grad- ing Co.	245,880.67
2546725-01	07/01/96	Gunther Inter- national	538,899.00	8231020-01	07/01/96	Mack Trucks, Inc.	2,204,182.60
2586155-01	07/01/96	Mountain Pro- ductions, Inc.	56,571.00	8231040-01	07/01/96	Furnival State Machinery Co.	221,187.90
2590155-01	07/01/96	Brodersen In- strument Co., Inc.	21,894.00				
2615355-01	07/01/96	Architectural Energy Corp.	7,788.00				

STATE CONTRACT INFORMATION

3393

Requisition or Contract #	Awarded On	To	In the Amount Of
8415-06	07/01/96	Associated Supply Co., Inc.	1,473.36
8415-06	07/01/96	Uniform Gal- lery	14,414.52
8960-01	07/01/96	Cloister Spring Wa- ter Company	198,160.00

Requisition or Contract #	Awarded On	To	In the Amount Of
9905-10	07/01/96	Trafcon Indus- tries, Inc.  GARY E. CROWELL, <i>Secretary</i>	53,286.00

[Pa.B. Doc. No. 96-1158. Filed for public inspection July 12, 1996, 9:00 a.m.]